“CHANGING THE SOUP BUT NOT THE MEDICINE?”

ABOLISHING RE-EDUCATION THROUGH LABOUR IN CHINA

AMNESTY INTERNATIONAL

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INTRODUCTION

"If you don't admit guilt or wrongdoing you get physical punishment, abuse and beatings. You'll experience unbearable suffering."

Liu Hua, former detainee of the Masanjia Women's Re-education Through Labour Camp, Shenyang, Liaoning province.[1]

On 15 November 2013, the Chinese Communist Party (CCP or, the Party) called for the abolition of the country's long-standing system of Re-education Through Labour (RTL) in its Central Committee Resolution passed during the Third Plenum of the 18th Party Congress (Third Plenum).[2] This followed reports in domestic media on 7 January 2013 that Meng Jianzhu, head of the Political and Legal committee of the CCP, announced the suspension of the RTL system by the end of the year.[3] The decision to abolish the country's largest system of administrative detention is a welcome step and the shutting down of all RTL camps would be a positive development for China's criminal justice system.

For nearly 60 years China's RTL system has allowed the authorities, in practice often the police, to lock people up for up to four consecutive years, including for an initial three-year period followed by a one year extension, without judicial review, appeal, or any due process. Set up initially in the mid-1950s as a way to punish perceived political enemies of the CCP, including "counter-revolutionaries", "landlords", and "rightists", China's RTL system continued over subsequent decades to provide the authorities a way to punish perceived political threats, those perceived to threaten social stability, and "petty" criminals with the loss of liberty without due process and often for simply exercising their right to freedom of expression, freedom of belief, and other civil and political rights. Over the decades the shifting population of the camps thus provided a mirror on the shifting political and crime control priorities of the CCP. Over the years hundreds of thousands of individuals suffered arbitrary detention in abusive conditions inside the RTL system, with tens of thousands being subjected to torture and other ill-treatment.

The shutting down of the RTL system would hopefully spare further hundreds of thousands from the loss of liberty without due process and the abusive conditions that characterized this institution. Yet the authorities have not publicly announced how the abolition will be carried out or what will replace the RTL system.

While welcoming the total abolition of China's RTL system, without a more fundamental change in the policies and practices that drive punishment of individuals and groups for nothing more than exercising their rights, there is the very real risk that the Chinese authorities will abolish one system of arbitrary detention only to expand the use of other types.

As suggested by the Chinese saying – "to change the soup but not the medicine" – authorities could continue to punish and persecute individuals for exercising their rights, as well as to deny due process to "petty" criminals simply through different institutional channels. The concern that the abolition of the RTL system will simply be a change in form but not in content has been expressed by Chinese and international commentators.[4] In a statement released after the Third Plenum, the China Lawyers' Group for the Protection of Human Rights called for the shutting down of all forms of illegal deprivation of liberty, not just the RTL system.[5]

Initial evidence gathered recently by Amnesty International as reports of the closure of RTL camps started to come in, suggests that the authorities are increasingly using alternative channels of arbitrary detention as well as criminal prosecutions of individuals who previously may have been sent to RTL.

METHODOLOGY

Amnesty International has closely monitored the human rights situation in China for many decades. This has included close analysis of the institutions of and conditions in detention, including China's RTL system and other forms of arbitrary detention. The organization issued a Memorandum on Re-education Through Labour in 2007.[6]

This briefing looks at the use of RTL over the last decade to punish perceived political threats to the CCP and to social stability, specifically individuals and groups punished for exercising their right to freedom of expression, freedom of belief, and other civil and political rights. It details CCP policies and practices that drive the arbitrary detention and torture and other ill-treatment within the RTL system. Based on interviews with released detainees, family members and lawyers, academic publications and media accounts, official Chinese government reports and commentary and information from other human rights NGOs operating in China and internationally, the report demonstrates the clear violations of both domestic and international law and standards this form of arbitrary detention both constitutes and facilitates.

This briefing draws on over 60 interviews conducted between May 2009 and November 2013 with individuals who directly experienced detention in RTL camps, "black jails", legal education centres or classes, mental institutions, and other detention centres, most of whom were subjected to torture and other ill-treatment in detention. The cases are from all across China, including numerous cities and counties in the provinces of Anhui, Guizhou, Hebei, Heilongjiang, Jiangsu, Jilin, Liaoning, Shaanxi, Shandong, Shanghai, Sichuan, and Zhejiang, as well as in the nationally administered cities of Beijing, Chongqing, Shanghai and Tianjin, and the Inner Mongolia Autonomous Region. While many of those interviewed agreed to have their names publicly revealed, others requested that their identities remain anonymous. Only a few of the total cases investigated are highlighted in the report, with others providing background.

OVERVIEW OF THE RTL SYSTEM

ESTABLISHMENT AND EVOLUTION

In 1955, the Central Committee of the CCP issued a set of directives which was the first document to use the term "re-education through labour".[7] The directives introduced "re-education through labour" or *laodong jiaoyang* (*laojiao* for short) as a method to deal with counter-revolutionaries and individuals whose misbehaviour was not deemed serious enough to warrant criminal imprisonment, but whom the authorities considered "politically unreliable" and felt needed to be removed from their workplaces and society. The RTL system allowed the CCP to isolate and punish political targets in a way that would not present an economic burden on the state, as the individuals were supposed to engage in labour.

Over the years the RTL system was further expanded to include diverse categories of individuals and behaviour thus providing the authorities a flexible and easy channel through which to punish perceived political threats to the regime, "petty" criminals and those considered to have "social problems" without having to go through the formal judicial system. In 1957 the CCP expanded the RTL system to include "anti-socialist reactionaries", individuals who "endanger public order" and who "disrupt public officials from performing their duties and refuse to mend their ways". The 1957 "Decision of the State Council Regarding the Question of the Re-education through Labour" remained the principal regulatory document upon which the system was based. In the late 1950s the RTL system was critical in the punishment of large numbers of intellectuals targeted during the 1957 "anti-rightist campaign" for their alleged criticisms of the CCP.[8]

While use of the RTL system declined significantly during the Cultural Revolution from 1966 to 1976, mirroring the decline of most formal institutions, the authorities reinvigorated, expanded and institutionalized the system in the post-Mao reform period beginning in the late 1970s.[9] RTL administrative committees were to be established by local governments and composed of personnel from civil affairs, public security and labour departments.[10] The 1982 "Trial Methods for the Implementation of Re-education through Labour" (Trial Methods) further expanded the scope of the RTL system to include rural residents and targeted "anti-Party" elements, sex-workers, "hooligans", and those involved in fraud but not deemed "criminally liable".[11] While the police continued to be in charge of the intake of detainees into the RTL system, in the early 1980s the central authorities put the system, along with prisons, under the management of the Ministry of Justice, in an effort to somewhat restrain the power of the police over the operation of the system, although police continued to have the authority in practice to send individuals to RTL.[12]

Following its revival and expansion the population of the RTL system experienced rapid and steady growth beginning in the late 1970s. In 1976, according to government statistics, the population of the RTL system was 37,083. According to official statistics the RTL population had reached 310,000 by 1999.[13] In 2007, official figures from the Ministry of Justice

estimated 400,000 people in 310 centres.[14] By the end of 2012, the official number of RTL camps nationwide reached 351.[15]

Chinese legal experts, lawyers and concerned individuals and international human rights experts have for years called for the abolition of China's RTL system. During the 2000s there were important legislative initiatives that appeared poised to do away with the institution, none of which materialized.[16] According to an employee in China's judicial system quoted in *Caijing* magazine the issue of how to handle the large proportion of RTL detainees who are "heretical sect elements", code words for Falun Gong practitioners, may have been a key factor in the delay in the reform and abolition of the RTL system.[17]

A series of high profile RTL cases and exposes of torture in RTL camps, which gained broad coverage in the Chinese press and social media in the last couple of years increased pressure on the authorities to abolish the system. One such case was that of Tang Hui, a mother who was sent to 18 months in RTL in 2012 for advocating for harsher sentences for the individuals who abducted, raped and forced her then 11-year-old daughter into prostitution.[18] Public reaction to this case was a likely factor in the authorities' decision to release Tang Hui from RTL after approximately one week of detention.

In April 2013, *Lens* magazine in China published an article detailing accounts by female detainees of the severe abuses individuals suffered in Masanjia RTL camp in Shenyang, Liaoning province. The article was quickly removed from the magazine's website.[19] And in May 2013, a video produced by former New York Times photographer Du Bin further exposed the torture and other ill-treatment of female detainees in the same camp.[20]

ALTERNATIVE CHANNELS OF ARBITRARY DETENTION

While China's RTL system has been the country's largest formal institution of administrative detention for many decades, the Chinese authorities have also used, and in recent years expanded, additional channels of arbitrary detention. Some of these even lack the legitimacy of the RTL system in that they have no regulatory, let alone, legal basis.

"Black jails" as they are popularly known, are unrecognized and unofficial detention facilities set up in a wide, seemingly random, variety of places including hotels, mental hospitals, drug rehabilitation centres, nursing homes, government offices, residential and abandoned buildings. Some of these are large, relatively permanent facilities, while others appear to be ad hoc and often temporary in nature.[21] "Black jails" have been used to incarcerate large numbers of petitioners, particularly during the 2000s, to punish them for their petitioning activity and to stop them from travelling to Beijing or to provincial capitals. The number of "black jails" is believed to have expanded rapidly following the abolition in June 2003 of the system of compulsory "custody and repatriation" (*shourong qiansong*), an administrative system of detention, that had formerly comprised a network of upwards of 700 detention facilities nationwide. These facilities had, prior to the abolition of the system, given municipal police broad powers to detain a wide variety of "undesirable" individuals, including homeless people, those without proper household registration, migrant workers and petitioners.[22] Deprived of this important institution of detention, local police and public security officials are believed to have turned to even more informal, secretive, places of detention such as the "black jails", with petitioners being sent to these in increasing numbers. Unlike the system of custody and repatriation and RTL, "black jails" have no legal or regulatory basis in Chinese law, and authorities continue to deny their existence. Their

continued pervasive use highlights the on-going risk petitioners face even after the closure of RTL camps.

"Brainwashing classes" or "brainwashing centres", officially often named "legal education classes " (*falu jiaoyu xuexiban*) or "legal system education classes" (*fazhi jiaoyu xuexiban*), are similarly unofficial places of arbitrary detention. They are operated by a wide range of government, Party and social units and set up in a variety of locations, including purpose built facilities and more ad hoc locations in guest houses, hotels, and government buildings. Individuals interviewed by Amnesty International who had been incarcerated in these centres recount that they were deprived of all liberty and held for periods ranging from several weeks or months to upwards of a year. While the authorities in some cases attempt to give these facilities a veneer of legitimacy, with formal titles that suggest they provide "classes" or "training", there are no regulations, laws or other public directives which explain their use or operation and how and on what basis individuals are incarcerated there. "Brainwashing centres" have been used extensively since 1999 for the "transformation" of Falun Gong practitioners – that is, as a place designed for coercing Falun Gong practitioners to renounce their spiritual beliefs and practices. Abusive treatment, including torture and ill-treatment are endemic in both "black jails" and "brainwashing centres".

The Chinese state has also long abused otherwise legitimate institutions such as psychiatric institutions and mental hospitals to punish political and religious dissidents, whistle-blowers and other perceived troublemakers, despite their displaying no symptoms of mental illness, a practice that has continued to the present.[23] According to a survey taken by Chinese Human Rights Defenders in October 2007, 3.1% of petitioners surveyed had been held in a psychiatric hospital, with some of them having been sent to one more than once.[24] Individuals have been kept in these institutions for weeks or months. They often report being forcibly injected with unknown drugs, which sometimes have long term impact on their mental and physical well-being, and are often physically ill-treated.[25]

The Chinese authorities also continue to operate a network of compulsory drug detention centres and drug RTL camps that are in theory intended for the rehabilitation of drug addicts. While some drug rehabilitation centres in China have seen improvements, according to human rights NGOs many of the drug RTL camps offer little genuine drug rehabilitation and operate very similarly to regular RTL camps, with individuals being forcibly sent to these camps, subjected to forced labour and held in some cases for years.[26] These camps have also, according to individuals interviewed by Amnesty International, been used to punish political and religious dissidents and other types of perceived troublemakers irrespective of whether or not there is any evidence of them being addicted to drugs. The number of those being held in enforced drug rehabilitation camps has grown steadily over the last decade. According to a 2009 UNAIDS report, approximately 500,000 people were being held in such compulsory drug camps at that time.[27]

RELEVANT INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS

By giving the police and public security officials the authority to send individuals to detention, the RTL system violates the right to liberty under international human rights law and standards which provide that only competent, independent and impartial courts carrying out fair proceedings may mete out punishment depriving persons of their liberty.

Administrative procedures which result in deprivation of liberty for punitive purposes are inherently arbitrary and therefore unlawful under international human rights law. The prohibition against arbitrary detention is enshrined in Article 9 of the Universal Declaration of Human Rights which states: "No one shall be subjected to arbitrary arrest, detention or exile" and in Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) which provides: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention." The prohibition against arbitrary detention also provides all detained individuals the right to promptly take legal proceedings before a court to challenge the lawfulness of detention.[28] Article 14 of the ICCPR further provides for anyone who is arrested or detained and who faces a criminal charge to be given a fair trial within a reasonable time. China has signed the ICCPR and expressed intention to ratify the treaty numerous times.

The prohibition against arbitrary detention has further implications, including that anyone detained or arrested – whether formally or informally – by the authorities, and whether or not they are facing criminal charges, has a number of specific rights. These include the right to be informed at the time of arrest of the reasons for arrest; to be notified at the time of arrest of their right to legal counsel; the right to be informed promptly of any charges against them; the right to be held in a recognized place of detention; the right to have their family or friends promptly notified of the arrest and location of their detention; the right to remain silent; and the right to legal assistance/representation of their own choice.[29] Barring the fact that RTL camps are officially recognized places of detention, these rights are not respected in the RTL system, for the very reason that this form of punishment is administrative rather than judicial and because of the way it is practised.

The prohibition of arbitrary detention is, finally, also a rule of customary international law, indeed a peremptory norm (one that cannot be avoided even through international agreements), binding on all states irrespective of whether or not they have ratified relevant international treaties.[30]

China's RTL system is further in contradiction with international human rights law and standards regarding compulsory labour. Article 8(3)(a) of the ICCPR explicitly prohibits all forms of compulsory labour, except when this is imposed as punishment for a crime by a competent court, and in a number of other circumstances including military service, or as part of normal civil obligations. The International Labour Organization defines "forced or compulsory labour" as work or service which is "extracted from any persons under the menace of any penalty and for which the said person has not offered himself voluntarily."[31] The International Covenant on Economic, Social and Cultural Rights, in Article 7, which is legally binding on China as a state party, further provides the right of everyone to the enjoyment of just and favourable conditions of work.

PROBLEMS WITH RTL IN CHINESE LAW

Chinese scholars and legal experts have argued that China's RTL system is not firmly grounded in Chinese law and in fact in conflict with the country's own laws. This criticism is based in part on the principle in Article 8 of China's Legislative Law that states, "(t)he deprivation of citizens' political rights and compulsory measures and punishments that restrict citizens' personal freedom…must only be formulated into laws by the National People's Congress (NPC) and its Standing Committee."[32] China's Administrative Punishment

Law further provides in Article 9 that "administrative punishment which restricts personal freedom can only be promulgated by the law."

Chinese scholars have argued that the principal documents providing the foundation of the RTL system are government regulations drafted and issued by the State Council rather than laws passed by the country's legislative body, the NPC, and therefore do not qualify as "law".[33]

Even though the 1957 State Council decision was approved by the Standing Committee of the NPC, a government decision only approved by the NPC Standing Committee does not provide the legal authority envisaged in Article 8 of China's Legislative Law, which strongly suggests that laws need to be passed by the full NPC, following a proper drafting procedure. Furthermore, the 1982 Trial Methods, which are an important regulation underpinning the system, were also never approved by the NPC.

The Chinese Constitution further provides that:

"The freedom of person of citizens of the People's Republic of China is inviolable. No citizen can be arrested except with the decision of a people's procuratorate or by a 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…" (Article 37).

RTL AS PUNISHMENT FOR EXERCISING HUMAN RIGHTS

From the targeting of "counter-revolutionaries", "rightists", and "anti-socialist" elements in earlier decades, the RTL system shifted its focus in recent years to new perceived threats: democracy activists, human rights defenders, religious dissidents, environmental activists, internet bloggers, and also continued to punish sex-workers, drug addicts and "petty" criminals. Beginning in the 1980s the authorities sent increasing numbers of individuals to RTL for their democracy activism and targeted many of the student activists following the 1989 democracy movement. The growth of the human rights movement and the internet in the 1990s saw increasing numbers of human rights defenders, "netizens", environmental activists and other civil society activists locked up in RTL. Growth of religious and traditional *qi-gong* movements in China saw increased numbers of those unwilling to practice their religion or spiritual movement under state control and members of spiritual groups labelled "heretical cults" punished with RTL. Falun Gong practitioners were targeted in large numbers following the crackdown on the group in 1999 and Christian house churches were also targeted. The explosion of the petitioning movement in the 2000s, comprised of individuals seeking redress for alleged injustices, similarly saw a rapid increase in the number of petitioners being sent to RTL.

RTL PUNISHMENT FOR EXERCISING FREEDOM OF EXPRESSION

The following two individuals were sent to RTL in connection with online postings that were interpreted as critical of Party and government leaders.

Peng Hong, a resident of Liji township, Chongqing municipality, was sent to two years RTL for re-posting a cartoon on a Chinese internet forum. Born in September 1975, he is from a rural background, and stopped formal education after primary school. In September 2009, Peng Hong was browsing the internet when he saw a cartoon that had become very popular – a picture of an umbrella entitled "protective umbrella" featuring a character with a strong resemblance to Bo Xilai, the then Party Secretary of Chongqing, who was leading a "strike black" campaign targeting corruption and organized crime.[34]

Peng Hong reposted the image on the internet forum Tianya Chongqing, adding the comment "strange kind of umbrella!" After reposting the image a window appeared on his computer screen asking him to pay a visit to the Chongqing Municipal Public Security Bureau Internet Supervision Office to "provide an explanation". As reported in a Chinese magazine, Peng Hong described being terrified by the message and did not go to the public security bureau as demanded. However, several weeks later public security bureau personnel detained him at his home and took him in for questioning. Peng Hong says he did not realize at the time the seriousness of the situation and did not consider the need to hire a lawyer. He says he

answered truthfully the questions during the interrogation, including questions about his views on Bo Xilai's "strike black" campaign, replying that "to do away with the "black" elements society should have a clean political environment", a clear critique of Bo Xilai's administration.[35] As a consequence, in 2009, Peng Hong was sent to two years in Chongqing's Beibei Xishanping RTL, on the grounds of "slander".

Ren Jianyu, a graduate of Chongqing University of Arts and Sciences in Chinese language, was selected to an official post in his village, Yushan township, Penshui county, Chongqing municipality. Chonqqing's Bureau for Re-education through Labour sent him to two years RTL in August 2011 after he posted messages on one of China's microblogs accusing Bo Xilai of bringing the Cultural Revolution back to China with his "Red Songs". The RTL decision considered Ren Jianyu to have expressed "negative speech and information" many times between February and August 2011 and to have "incited subversion to state power" through his speech. The "evidence" presented against him included a T-shirt with the words "Without freedom, I would rather die."[36]

Ren Jianyu is one of the few individuals sent to RTL who was able to hire a lawyer and appeal the decision. While he lost the case, which was rejected by the Chongqing No. 3 Intermediate People's Court on the grounds that it exceeded the time limits for legal action, he was released early – after 15 months. Public pressure is likely to have contributed to this, as his case provoked a flood of commentary on social media sites as well as in China's official media, including an interview by the CCTV. The Court's rejection of Ren Jianyu's case prompted the Global Times, an official-leaning newspaper, to write that "(t)he local court's explanation of why they were refusing to hear Ren's case left many wondering whether the local authority had truly reflected upon the questionable decision of detaining Ren. Thus, the question of whether freedom of speech is legally protected remains uncertain."[37]

It should be noted, however, that the positive outcomes of both these cases occurred only after the arrest of Bo Xilai, under whose administration the two individuals had been sent to RTL in the first place.

PUNISHED FOR THEIR BELIEFS: THE CAMPAIGN AGAINST THE FALUN GONG

The Falun Gong is a spiritual movement founded in the early 1990s in China with links to Buddhism and traditional Chinese self-cultivation practices. The movement's large numbers of followers – official estimates in 1999 were 40 million – presented a potential challenge to the CCP. The growing number of public protests by followers of the spiritual group against restrictions on their activities and harassment by the authorities prompted a harsh crackdown on the group by the CCP. This was launched with full force in July 1999 following a demonstration of approximately 10,000 Falun Gong practitioners near Zhongnanhai, the central government compound in the centre of Beijing. The leadership subsequently banned the group as an "illegal" organization and a "heretical" sect, using this as the basis of its campaign against the group.

The government's campaign against the group over the last fourteen years has combined a propaganda effort that vilifies the group as an "evil cult", criminal prosecutions leading to long prison terms, sweeping and arbitrary detentions of rank and file practitioners who refuse to renounce their beliefs in Falun Gong – a process officially referred to as "transformation through re-education", or "transformation" for short – and discrimination and retaliation against practitioners and their families.

The RTL system has played a key role in the anti-Falun Gong campaign, absorbing large numbers of practitioners over the years. Within less than a year of the initial crackdown against the Falun Gong in July 1999 thousands of practitioners were sent to RTL camps.[38] Evidence suggests that Falun Gong constituted on average from one third to in some cases 100 per cent of the total population of certain RTL camps.[39]

The campaign has been driven at the highest levels of the Party-state through a long series of top level "notices", "regulations", "decisions", "judicial interpretations", "directives", and "opinions" issued by top Party and government organs.[40] The Party leadership also established a dedicated office, referred to as the "610 Office", responsible for overseeing the crackdown on the Falun Gong and other "heretical cults" with offices operating from the central level down through provincial and local party and government organs.[41]

Government policies have been a key driver of abuses against Falun Gong practitioners. In 2013 the central authorities launched a new three-year campaign to "educate and transform" Falun Gong practitioners, following the last three-year campaign referred to as the "decisive battle" against the Falun Gong that operated from 2010-12.[42] During these campaigns local governments set specific numerical targets for the "transformation" of "stubborn and obsessed members", including for some "transforming" 100% of the Falun Gong practitioners in their districts by the end of the campaign, and keeping the "recidivism" rate, i.e., the proportion of practitioners who "relapse after transformation", in some cases to 2-3%.[43]

Achieving the objectives set out by central authorities in any major campaign is key to the careers of local party and government officials, police and public security bureau officials, RTL camp directors and staff, prison directors and other relevant personnel, with generous bonuses and promotions going to those who perform well and possible demotions for those who underperform.

The government's campaign against the Falun Gong has required tens of thousands of these officials who presumably would otherwise be engaged in crime control, to be drawn into the task of not only monitoring, but controlling, the thoughts and beliefs of the country's citizens.

PUNISHED FOR APPEALING ON BEHALF OF FAMILY MEMBERS

Li Shanshan was sent twice to RTL for appealing on behalf of her husband **Zhou Xiangyang**. Zhou Xiangyang, a former engineer with the Third Railway Survey and Design Institute in Tianjin, was first sentenced to 1 ½ years RTL in 1999 for his Falun Gong beliefs.[44] He was tortured while in RTL detention for refusing to renounce his beliefs and his RTL term was extended by one year. Li Shanshan and Zhou Xiangyang met for the first time in 2003, after his release from RTL, and had only met face to face three times when Zhou Xiangyang was rearrested in May 2003 and sentenced to nine years in prison for talking to people on the street about Falun Gong. Li Shanshan tried to visit him in prison but was refused, on the grounds that she was not a relative. She requested prison officials to marry Zhou Xiangyang. According to Li Shanshan, "this request shocked the officers' cold hearts. Many Falun Gong practitioners' families have been broken up since the persecution of Falun Gong began. The prison usually only receives requests for divorce. This was the first time they had received a request for marriage."[45]

After many months, the prison finally accepted her request. However, despite her status as Zhou Xiangyang's fiancée, the prison still made it very difficult for Li Shanshan to see him. Over the next few years Li Shanshan continued to appeal to the authorities for Zhou Xiangyang's release, and helped him to submit letters of complaints regarding the torture he had suffered in prison. In January 2005 a prison official called her and warned her "to protect herself" and she was threatened by National Security officers and began to be followed. In April 2005 she herself was sent to 15 months RTL.[46]

After her release from RTL in 2006, Li Shanshan continued to appeal on behalf of Zhou Xiangyang, who continued to be tortured in prison. After one year of hunger strike, and having been to hospital twice, Zhou Xiangyang was released from prison on 28 July, 2009 due to his poor physical condition. Li Shanshan and Zhou Xiangyang were finally able to get married and the couple slowly began to put their life back together. As Zhou had been fired from his engineering job and unable to be hired as an engineer anywhere else, the couple ran a small booth in a large supermarket through which they were able to have a small, but steady, income.

However, on 5 March 2011, their home was ransacked by national security officials who confiscated their Falun Gong publications and took 13,000 yuan (approximately USD 2,130) in cash and 10,000 yuan (approximately USD 1,640) worth of property. Zhou Xiangyang was sent back to prison, presumably as he had not finished his initial nine-year prison term after having been released on medical bail.[47] On June 26 2011, Li Shanshan posted an open letter entitled "A Young Couple's Hardship: Waiting Seven Years, Nine Years of Unjust Imprisonment" on overseas websites which she described as a "love story".[48] On 29 October, 2011 Li Shanshan was detained and sentenced to two years RTL, which she served at the Hebei Womens' RTL in Shijiazhuang. During a rare visit with family, Li Shanshan is reported to have said that RTL officials had threatened to extend her sentence for refusing to renounce her beliefs.[49]

On 8 November, 2013, the day that Li Shanshan was released from the camp – four police from Tangshan city, Hebei province, her hometown, were at the gates of the camp. As Li Shanshan exited the camp the police sought to detain her. However, over one hundred individuals who had gathered at the camp's gates prevented the police from taking her away.[50]

PUNISHED FOR PETITIONING FOR THEIR RIGHTS

Petitioners are individuals who seek redress for grievances by directly submitting petitions to CCP and government authorities. The system, referred to as the "letters and visits" (*xinfang*), or petitioning system, has roots in an imperial tradition that allowed subjects to appeal to higher officials, including the emperor, for resolution of disputes or alleged wrongdoing. Set up in 1949 by the CCP, the right to petition became a right protected by the constitution in 1982.[51] Petitioning offices are set up at all levels of government and within major Party and government organs.

The Chinese government reported a steady increase in the number of petitioners beginning in the early 1990s. By the early 2000s estimates are that several tens of millions of petitions were being submitted annually to petition offices at all levels.[52] Individuals often bring their grievances to the petitioning system because local courts or other authorities fail to take them up, or are unable or unwilling to resolve the issues and provide justice.

The system, however, has been largely ineffective. Petitioning offices lack enforcement mechanisms, with few other actors motivated to resolve the issues raised by petitioners. According to one survey, only 0.2% of a group of farmers petitioning in Beijing had resolved their problems directly through the petitioning system.[53] Failing initially to obtain redress, the vast majority of petitioners pursue their quest, often for months and years, taking their complaints to successively higher levels of government, thereby swelling the total number of petitioners.

Central authorities have publicly encouraged citizens to use the petitioning system. However, in practice they have not welcomed the flood of often poor, homeless, angry peasants who descend on the capital in search of justice. Through a "point system", central authorities have made control over the flow of petitioners to Beijing the responsibility of local governments and a key component of their career assessment that penalizes or rewards them based on their effectiveness in preventing petitioners from travelling to Beijing or in acting rapidly and effectively to return them to their hometown.[54]

Local governments are also reported to have issued circulars prohibiting "abnormal petitioning", and specifying various punishments, including being sent to RTL, for behaviour including "chanting slogans", "wearing clothes upon which grievances are written", "handing out information on petitioning", and "holding sit-ins".[55]

These policies have directly contributed to serious abuses against petitioners, including beatings, arbitrary detention, torture and other ill-treatment, threats to family members, and enforced disappearances. Many petitioners have been sent to terms of RTL, as well as being sent to "black jails". Persistent petitioners, who have been labelled "abnormal petitioners", have been particularly vulnerable.

Central authorities have taken some steps to correct aspects of the distorted incentive structure however, these measures do not appear to have had a major impact on local government behaviour. At least one province was reported to have recreated its own "petitioner ranking system", linking official performance assessments to the numbers of reported incidents of "abnormal petitioning".[56]

Gai Fengzhen, a petitioner from Tiexi District, Shenyang, Liaoning province, was sent to RTL four times, for a total of eight years, on account of her petitioning activity over a housing dispute. Her husband was sent to 1 ½ years RTL.[57]

VIOLATIONS OF HUMAN RIGHTS IN RTL PRACTICE

PROCEDURAL VIOLATIONS

Individuals who have been detained in RTL reported to Amnesty International that RTL camp police and officials frequently violate procedures and deny them basic rights, including notification to family of their being sent to RTL, regular family visits, and having access to their lawyer. While camp officials are reported to generally provide individuals being sent to RTL a notice which the person is supposed to sign, police often fail to provide these – or they are provided only after an individual has already been sent to an RTL camp.

Police frequently fail to notify families that a family member has been sent to RTL, often for many months. Many individuals interviewed by Amnesty International recounted how their families searched for them at length, without any news of their whereabouts, after they were sent to RTL. And many expressed the sentiment that it was "useless" to hire a lawyer after being sent to RTL. In politically sensitive cases, many felt that lawyers would not dare take up their cases. Even the few able to hire a lawyer are often denied access to them, particularly if they have not fully cooperated with the camp authorities, are from groups the authorities find politically sensitive, or are viewed as "troublemakers" by camp authorities. Detainees who seek to appeal their RTL sentence are often ignored by camp guards and police, including being denied paper and pencil so that they can write their appeal request.

FORCED LABOUR

Requiring prisoners to work does not, in and of itself, constitute forced labour.[58] However, in the specific case of RTL detainees, forcing them to work does constitute forced labour because, as explained above, they are not legitimately imprisoned, but rather are detained arbitrarily without charge, trial or due process, therefore unlawfully under international law. Furthermore, the specific conditions in which RTL detainees are made to work are exploitative and harsh, and therefore cannot be considered lawful.

Official interpretations of the RTL system deny it is a form of administrative punishment, and describe it rather as a measure for reforming or rehabilitating petty criminals with the objective of protecting public order and reducing crime, reflecting orthodox Chinese penal philosophy that sees the transformative function of labour. Official views also describe RTL camps as a type of "forced education and reform", where detainees are required to attend legal and political education classes for not less than three hours per day, sometimes calling detainees students or apprentices, and even claim that vocational training is provided.[59]

Such depictions are, however, far from the reality as experienced by RTL detainees where they are typically subjected to a gruelling regime of forced labour, working at best a minimum

of 10-hour days with only one day a week off and more routinely every day for twelve to fourteen hours, and in some cases up to twenty hours, or until they meet their "quota".

RTL camps produce a wide range of goods, although mostly light industry products including household goods such as combs, necklaces, chopsticks, children's clothes, military uniforms and wedding dresses, many of them for export.[60] However, while RTL camps have always featured forced labour, the RTL system in recent years has become increasingly integrated into the larger industrial production system, including for export, and driven by a profit motive. Production pressures and profit motives have led to long working hours and working conditions which by themselves can be considered cruel, inhuman or degrading treatment or punishment, as well as a source of abuse of detainees who fail to complete their production quotas.[61] Those not able to accomplish the tasks set by the RTL authorities are at risk of being beaten up by other detainees under supervisors' instructions.

"RE-EDUCATION" AND "TRANSFORMATION": A DRIVER OF TORTURE AND OTHER ILL-TREATMENT

After twenty police broke down the door to **Jiao Jian's** apartment, stormed in and raided her home, gathering up all her Falun Gong publications, they asked her "why do you practice Falun Gong?" Jiao Jian, who had set up and was the general manager of the southern China office of Sohu, one of China's largest internet companies, in Guangzhou, replied:

"I have not adversely impacted other people in any way. I have no behaviour that is problematic. The state cannot regulate my thoughts. It can concern itself with people's behaviour, not their thoughts." [62]

That may be Jiao Jian's view, indeed encapsulating the essence of the right to freedom of thought, conscience and religion, as enshrined in Article 18 of the Universal Declaration of Human Rights, a right that also covers the manifestation of religion or belief as well. However, the Chinese government has a different stance about the issue. Controlling the thoughts and beliefs of its citizens – and not just their behaviour – has long been a key priority, suggested by the pervasiveness of "thought work" in the Party and government's relations with society, the huge investment made by the Chinese government to control communications and information flow on the internet, and its objective of maintaining doctrinal, as well as organizational, control of religious and political groups.

Thus, despite the sentiment expressed by many former RTL detainees that there is much more "labour" than actual "re-education" in RTL camps, "re-education", at least as understood by the Chinese authorities, is nevertheless a critical aspect of life in RTL camps, as it is in China's prisons and other places of detention.

"Re-education" starts as soon as detainees arrive at a camp. RTL camp authorities routinely subject new detainees to an intensive "induction". As part of this process detainees attend daily, often lengthy, "study sessions" where they are required to publicly criticize their own behaviour, accept criticisms from others, study CCP documents, directives and relevant political doctrine, and generally demonstrate their submissive and cooperative attitude to camp authorities. These "thought work" and "study sessions" often require detainees to express their political loyalty to the CCP and to express their thanks and appreciation to the CCP for its "concern" and "care" of their situation. This process is designed to break detainees down physically, psychologically and emotionally, in order to coerce them into

abandoning their real or perceived beliefs, principles and behaviours which were the reason for their detention.

A first step in demonstrating their attitude of cooperation and submissiveness is for detainees to publicly recognize their "guilt" and the "error" of their ways and to critique themselves in group "thought work" sessions. Newly arrived detainees must typically write numerous documents, including their "guarantee" (*baozhengshu*) – a document in which the individual agrees to reject, renounce, or change whatever allegedly offending beliefs or behaviour got them sent to RTL in the first place. Petitioners are required to admit they were wrong to pursue their individual grievance, to recognize they have no legitimate claim, and to agree to stop their petitioning activity in the future. Falun Gong practitioners are required to renounce their belief in and practice of Falun Gong, to promise to cut all ties with anything related to Falun Gong, to stop disseminating any Falun Gong material, and to cooperate with the authorities in critiquing Falun Gong. Political activists, democracy advocates, human rights defenders and others are expected to guarantee to stop their offending behaviour, whether it is writing articles on democracy or defending the human rights of others.

Falun Gong practitioners are expected to write a particularly long series of documents, sometimes referred to as the "five documents", including, in addition to the "guarantee", a "self-criticism" (*ziwo piping*) in which they criticize their own behaviour; a "personal assessment" (*huiguoshu*) in which they recount how they came to their erroneous ways and how they will correct their behaviour; an "expose and criticize" (*jiefapipan*) document in which they expose their wrong-doing, criticize themselves and Falun Gong doctrine as well as their spiritual teacher; and a "severing all ties document" (*juelieshu*) in which they promise to sever all ties with and condemn anything related to Falun Gong.

A pro forma performance is not acceptable. As **Jiao Jian**, the Sohu Guangzhou office general manager put it:

"To really "prove" your transformation you have to really curse the Falun Gong, to say all sorts of really terrible things about it, thank the CCP for saving you, etc., and you have to allow them to videotape you when you say all these things, so that they can use it for their propaganda." [63]

Detainees who cooperate with the "re-education" process will typically begin the routine of daily labour fairly quickly, but are often still required to continue attending "study sessions" late at night and to continue regularly writing various documents, including "self-criticisms".

TORTURE AND OTHER ILL-TREATMENT OF RESISTERS OR "STUBBORN" DETAINEES

China is a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). As such, it is obliged, among other things, to refrain from torturing or otherwise ill-treating anyone under any circumstances, to make torture a criminal offence, to try or extradite for trials alleged perpetrators of torture, to investigate all reports and complaints of torture or other ill-treatment, to provide remedy to victims and more.

The prohibition of torture and other ill-treatment in international law goes beyond the confines of treaties. As Rodley and Pollard have explained, "the prohibition of torture and

other cruel, inhuman or degrading treatment or punishment is absolute (i.e. no treaty or customary rule permits any exceptions to the prohibition whether under human rights law or law of armed conflict). In other words, international law prohibits every act of torture or ill-treatment, no matter where, when, or against whom…"[64]

Top-down pressure on camp authorities to achieve high rates of compliance in the "re-education" process, including specific quotas for "transformation" of Falun Gong practitioners, coupled with the dehumanization of the members of many of these groups in state-sponsored media, contributes to a permissive atmosphere which facilitates their torture and other ill-treatment.

For most detainees, "thought work" and "study sessions", including the writing of "self-criticisms" and "guarantees" is a humiliating and degrading experience. It goes far beyond a behavioural requirement that detainees obey camp rules and regulations. Instead they are forced to express attitudes and ways of thinking that conform to the authorities' standards of submissiveness, which is often deeply humiliating and self-derogatory.

For individuals with particularly strong convictions in their personal, religious, or political principles, the "re-education" process itself is often experienced as a form of psychological torture – requiring them to not only abandon their beliefs or quests for justice, but to actively criticize their own behaviour, and malign their beliefs. Many individuals have been sent to RTL in the first place because of earlier refusals to "cease and desist" in their allegedly offending behaviour. Many describe this process as being even worse than the physical torture they may have suffered. Even many years after the events recollection of this aspect of their experience provokes strong expressions of anguish.[65]

Detainees who do not cooperate with the "re-education" process will be subjected to methods of torture or other ill-treatment which are applied with increasing severity. This begins with "softer" methods such as sleep deprivation, being subject to stress positions where they are forced to sit or stand for long periods, denial of basic needs or the means to acquire them, such as showers, regular or adequate meals, regular sleep, exercise, family visits, mail, and ability to purchase daily necessities such as toothpaste, soap and shampoo.[66]

Detainees who remain uncooperative and persist in their refusal to admit their "guilt" and to write their "guarantees" or to "transform" risk increasingly severe ill-treatment, including being beaten, placed in solitary confinement, monitored 24 hours a day, prohibited from speaking with other detainees, given even worse food than the normal fare, and other forms of ill-treatment. Further refusal leads to systematic, repeated, ill-treatment and torture, with increasing severity. Those who are outspoken in their criticism of the CCP or expose the ill-treatment internationally are particularly vulnerable.[67]

The range of physical torture and ill-treatment in RTL camps include "rack" torture, "tiger bench" torture, water torture, stress position torture, beatings, including with electric batons, forced feeding for those on hunger strike, forced injection of unknown drugs – to name the most common types.[68] "Rack" torture causes internal injuries as ligaments, tendons, muscles, and joints are stretched to an extreme for many hours, and in some cases days. Victims describe this category of torture as one of the most painful they suffered. In the "tiger bench" torture the individual's legs are tightly bound to a bench, and bricks are gradually added under the victim's feet, forcing the legs to bend backwards. This is one of a larger category of torture techniques in which the individual's body is forced to bend in

unnatural directions, breaking the joints, tendons and damaging the muscles, without leaving any externally visible signs.

Petitioner **Shen Lixiu** began complaining to the central government after Nanjing city officials demolished her karaoke parlour for a development project. She says that the compensation they offered her was less than 20 per cent of the amount she had originally invested in the business. After she began petitioning in Beijing the local authorities sent her to one year of RTL. Because she refused to give up her demand for what she felt was fair compensation she was subjected to torture or other ill-treatment. In an interview with National Public Radio she explained:

"Everyone went to sleep at night, not me. They gave me a small stool, forcing me to stand on it. Once you fell to the ground, people would come to beat you. They asked drug addicts and prostitutes to beat you up."

As a result of the beatings Shen Lixiu lost her four front teeth. After seven months she succumbed to the constant pressure, torture and other ill-treatment and signed the original compensation agreement given to her by the local authorities.[69]

Petitioner **Qu Meiyu**, from Benxi city, Liaoning province, was badly tortured in Masanjia for her petitioning activity in connection with her husband's failure to be compensated for a workplace injury. She was beaten with electric batons, allowed to sleep only two hours a night for extended periods, monitored 24 hours a day and beaten by six RTL inmates.[70] While at Masanjia she was told by a guard that her husband had died, although this was not true. Other inmates being held at the same time recall her crying every day for days on end.

Whistleblower **Liu Hua**, 52 years old, a peasant from Zhang Liangbao village, Sujiatun district, Shenyang, Liaoning province, was sent to Masanjia RTL camp in January 2011. Her "crime" had been to expose, together with her husband Yue Yongjin, corrupt behaviour on the part of officials in her hometown. After reporting the corruption, Liu Hua and Yue Yongjin were beaten and persecuted by local officials. Thus began a decade of exile from their home and incarceration in detention centres, police stations and RTL. After being detained by the police, Liu Hua refused to "confess", admit her "guilt" and to agree to stop petitioning, and was, as a consequence, sent to Masanjia RTL. In the detention centre, a policeman told her "(i)f you don't confess, you will be sent to a labour camp." In Liu Hua's view, this was "appalling".

"They wanted me to provide a written guarantee that I would plead guilty and promise to stop petitioning in Beijing. They were forcing me to confess. I didn't write any guarantee. I'd rather die than give in. I was defending villagers' rights and did nothing wrong. They were corrupt and yet were treated like heroes. We reported them and became prisoners." [71]

Because of her resistance Liu Hua was sent to Masanjia, while her husband spent three years at the Shenxin RTL camp. At the Masanjia RTL camp Liu Hua continued to refuse to cooperate, on one occasion refusing to sign the brigade leader's monthly assessment, who then told the forewoman, Zhao Lan, to beat her up.[72]

"She started to beat me, pulled my hair, and hit my head with a basin until the basin smashed. She hit me with a plastic stool until it was smashed too. I fainted but she kept on kicking my head with her shoes and hit my head against the radiator. I had a lump this big on my head. The next day my whole head felt numb."

Because of her resistance Liu Hua was denied all visitors in 2011, and was denied access to her individual account so she had no money to buy basic necessities, including food, soap, and toilet paper.

Detainees with previous records and known to the authorities as recalcitrant and repeat "offenders" are often subject to torture or other ill-treatment as soon as they arrive at an RTL camp for their second or subsequent term.

Liu Guifu, a Falun Gong practitioner from Beijing, was twice sent to RTL camps in Beijing, both times being tortured. As she was already known to the authorities, as soon as she arrived at the Beijing Womens' RTL camp the second time, on 25 April 2005, the torture began.

"As soon as I arrived at the camp the second time they prevented me from sleeping. I was tied to a stool, not allowed to go to the bathroom, and not allowed to drink water. I was forced to sit for so long that the skin on my rear end became all rotten. If I moved even the slightest bit they would beat me." [73]

As she resisted the "transformation" process, she recounted how the torture and ill-treatment intensified, including by *baojia*, RTL detainees especially trained to beat other resistant detainees.

"The baojia forced faeces and toilet water into my mouth. I started to have worms in my hair from not showering. I came to realize they were putting drugs into my food, and this went on for a long time. The drugs made me lose consciousness, and I became delusional. My legs swelled up painfully and I felt nauseous and threw up frequently. Once the guards opened the window and told me "you've gone crazy, why don't you jump out the window?" [74]

According to Liu Guifu, after months of being force-fed drugs, she began having trouble sleeping and eating.

"I think it was a result of the years of persecution and the drugs. For the four months prior to my scheduled release date I was unable to sleep. At one point I was suddenly unable to eat, constantly throwing up my food. Within ten days I lost 7.5 kilos. The RTL officials thought I was going to die. They kept asking me if I could live until my release date, to live to the end. They didn't want me to die at that point." [75]

Falun Gong practitioner **Zhang Lianying,** 52 years old**,** from Beijing, was sent three times to RTL camps, spending more than six years in the Jiamusi Women's RTL, Heilongjiang province, the Beijing Women's RTL, and the Masanjia Women's RTL in Liaoning province between 2005 and 2011, as well as ten months in the Beijing RTL dispatch centre, and many more months in various "brainwashing centres", detention centres, and police stations. Her case illustrates the torture and other ill-treatment meted out to particularly stubborn cases, in her case for her persistent refusal to renounce her Falun Gong practice and beliefs and for her public exposure of the ill-treatment she and other Falun Gong practitioners experienced in detention, including testimony she provided (in absentia) for a hearing on human rights in China held by the European Parliament in 2007.[76]

According to Zhang Lianying's account, when she arrived at the Masanjia RTL on 14 July 2008 in a broad sweep of detentions of Falun Gong practitioners from Beijing prior to the 2008 Beijing Olympics, the camp authorities were well informed of her case. When Zhang

Lianying let her defiance be known by shouting out "Falun Dafa is good!" upon arriving at the camp, the torture began immediately. She was surrounded by over a dozen policemen and dragged into the building, handcuffed and hung up to an iron bed.

"A male guard hit my face again and again with handcuffs and with his fists. They tried to pry open my mouth……and took turns smashing my mouth and teeth with metal ladles. Blood gushed out of my mouth. Male and female guards grabbed my hair and banged my head against the wall and a table." [77]

At the Beijing Women's RTL camp, Zhang Lianying recounts:

"The most unbearable memory, which still chills me to recall, was that my nose and mouth were covered for long periods of time and repeatedly, so that I was not able to breathe until I lost control of my bladder and bowels. Over a period of months, I repeatedly experienced such torture. They stuffed my nose and mouth with wet towels so that I was unable to breathe…The pain was so severe that I felt I would explode and my whole body lost strength and my legs became limp until I was incontinent." [78]

Zhang Lianying's continued refusal to "transform" led to nearly non-stop torture throughout all her RTL detentions. On nine occasions at the Beijing Women's RTL police would tie a rope tightly around her neck to restrict breathing and oxygen flow and then beat her severely on the head. On 20 March 2007 after being subjected to this torture she suffered a brain hemorrhage, was taken to the hospital and operated on. After the operation she fell into a coma.

At Masanjia, Zhang Lianying was subjected to "rack" torture over 20 times, each time lasting from 1-3 days. Zhang Lianying recounts that she often had to endure this torture naked, and was not fed, allowed to drink, sleep or go to the bathroom during the entire time. On several occasions she was also subjected to simulated drowning, where her head was repeatedly dunked into a bucket of dirty water used for washing the floor, preventing her from breathing, until she was close to fainting.[79]

The RTL police also subjected Zhang Lianying to a variety of psychological torture.

"One night they played a recording of a young child crying for its mother, over and over again all night, so loudly in the cell where I was being held in solitary confinement. It was so loud and constant that I could hardly sleep. They knew I had a young daughter at home." [80]

Falun Gong practitioner, **Jia Yahui**, who worked as a journalist in Shenyang prior to being sent to Masanjia, was also tortured for resisting the "transformation" process. She recounts to Amnesty International that the police torturing her took care to hide their identity, she thought due to their fear of her exposing them after her release.

"Before they tied me to the bed and began to electrocute me the three policemen had my face covered. None of them spoke while they electrocuted me. They were afraid I would recognize their voices. But I knew who they were…They started by electrocuting me on the most sensitive places – starting on my little finger, then move up my arms, up to my armpit. Then they moved to my breasts. Then they held the electric baton on my waist for more than ten seconds, without moving. Then they began on my inner thighs. They sought out my nerves. I felt they had no humanity whatsoever. I felt they derived some kind of pleasure from

the process. They would just place the baton on your waist and keep it there. When I returned home the black spots on my skin had still not gone away." [81]

Yu Zhenjie, a Falun gong practitioner from Mudanjiang, Heilongjiang province, who had consistently resisted the "transformation" process, recounted the "pop corn" torture she endured as punishment:

"The head of my brigade, which had around 200-300 Falun Gong members – director Li – had been using the electric baton on my face – it's a kind of torture the police call "bengbao pop corn", because your face splits open and looks like popped corn. It smelled horrible, the smell of burning skin." [82]

Liu Hua (discussed above) recounts the experience of **Hu Xiufen**, another petitioner from Sujiatun, Shenyang. Hu Xiufen had been first sent to Masanjia on 30 July 2007. In retaliation for her refusal to give up her petitioning activities, Hu Xiufen was tortured: she was beaten and put into solitary confinement; she was hung up, for seven days and nights. She told Liu Hua that her urethra had been kicked so hard she couldn't urinate.[83]

During the first year of Hu Xiufen's second term at Masanjia, she reported having been beaten on 18 occasions. On one occasion the brigade leader told Hu that she had to stop appealing to the court, and that only then would they stop beating her. When Hu refused, the officials handcuffed Hu's hands behind her back and hung her up by the handcuffs, then beat her with an electric baton and slapped her face with the soles of their shoes. They used a shovel handle to beat her, which broke after 10 minutes of beatings. When Hu Xifen went to complain to the director of the women's camp, the latter called for the brigade captain and had her continue to beat and electroshock Hu.

"The Masanjia Women's RTL police tortured me 26 times. They shackled me to the lower and higher levels of a twin-size bunk bed by the diagonally opposed hand and feet so I could neither stand nor sit. Handcuffs squeezed both hands so much the blood could not flow through. I had bruises swollen to the size of steamed buns. It felt as though I was a body being cut into pieces, it was horribly painful. I could not flex my limbs, they were so stiff…They tortured me like this repeatedly for seven days and nights." [84]

Chinese regulations set no limit to the number of times that an individual can be sent to RTL for the same "crime". Thus individuals who refuse to give up their beliefs and behaviour are often sent back to RTL multiple times – as well as being sent to other forms of arbitrary detention. For individuals who refuse to recognize their "guilt" or "wrongdoing", or to sign the "guarantee", release from RTL rarely brings relief, with the persecution and often detention continuing, although sometimes in different types of institutions.

As a consequence many do not dare to return to their homes, instead living on the run, moving frequently from one location to another, separated from their families.

Some RTL camps failed to give detainees the exit documents which many said the camps were supposed to provide at the end of their detention that state they have served their full term – and in some cases police voided these documents or took them back as soon as individuals exited the camps. While there are few obstacles to re-detaining any individual who has just finished their RTL term, some thought that the voiding of these documents made this even easier for the police.[85] In other cases local police or personnel from the 610 Office may be waiting at the gates of the RTL camp ready to take an individual away again.

Liu Guifu (discussed above) recounts being released from her second term at the Beijing Womens' RTL camp on 31 August 2007, nearly, as she felt, on the point of dying.

"The day I was released the RTL officials had given me the official release form which I signed. But as soon as I exited the gates of the camp the police were there waiting for me and they took the form back. I knew what that meant: that they could simply re-detain me at any moment and send me right back to the camp. I arrived home at 12:30pm. My husband had recognized me, but none of my neighbours recognized me. But at 2pm two policemen from our neighbourhood police station – the ones who had been in charge of me – came to take me away again. My husband cried "you've persecuted her to this point and you still want to take her away again? He told them I was close to death. The policemen asked me "will you still practice Falun Gong?" I said "yes". So they took me away. They had planned to take me to a "brainwashing centre". But they ended up taking me to the hospital because I was so ill. They didn't want to give me my freedom – but not even the brainwashing centre wanted to take me because I was in such poor health. So they took me to the hospital." [86]

After three weeks Liu Guifu was sent home from the hospital. However, the day she arrived home the police went to her home. After searching her belongings and finding Falun Gong material on her home computer they prepared to take her away again. Liu Guifu managed to evade arrest on that and several subsequent occasions and soon after fled the country.

COERCED INTO "RE-EDUCATING" OTHER DETAINEES

RTL camps have developed an elaborate system of control and management that involves using detainees who have proven their "reliability" to the authorities to monitor and carry out the "thought work" and "re-education" of other detainees who are perceived as uncooperative and recalcitrant.

Political detainees refer to other detainees, including drug addicts, sex-workers, and petty criminals as *pujiao,* or "regular detainees". *Pujiao* are routinely used by RTL camp guards and police for monitoring, and carrying out the "re-education" of the political detainees, particularly those who refuse to write the "guarantees" and to cooperate with the "re-education" process generally. Camp authorities often require them to monitor the political detainees 24 hours a day, to carry out a wide variety of restrictions and punishments, including subjecting resistant detainees to sleep deprivation, stress positions, as well as other physical and mental forms of torture or other ill-treatment. Falun Gong practitioners are particularly in need of constant monitoring, from the camp authorities' perspective, as they are strictly prohibited from doing their meditative exercises, but often attempt to do so if they have an opportunity.[87] Several *pujiao* may be assigned to a particular detainee, with a particularly "stubborn" individual being assigned a greater number.

A complex hierarchy exists within RTL detainee populations that rewards politically "reliable" detainees with sentence reductions, better food, living conditions, and other privileges. In many camps a *dasifang* or *dashizhang* is the head detainee in a brigade – the highest rank. They are given important privileges and special treatment. They are assisted by several *sifang* for each brigade.[88] In each cell there is a *shizhang*, or head of cell. Additional detainees are assigned as *zuoban*, or "partners", to "uncooperative" detainees, with the responsibility of monitoring them 24 hours a day among other things. *Dashou* are reported to be detainees specialized in beating people up.

Detainees who are tasked with getting stubborn practitioners and petitioners to sign their "guarantees" typically have at their disposal nearly every form of torture and other ill-treatment available in the camp. According to Liu Hua (discussed above), in Brigade No. 2 at Masanjia, there were four *sifang* who were detainees given special responsibilities for various areas of management and discipline, including one in charge of discipline in the dormitories, one responsible for discipline in the canteen, one responsible for issuing medications, and another responsible for correcting the written "assignments" that detainees had to write. *Sifang* had to pay around seventy or eighty thousand yuan for their position.[89]

Dashou and *baojia* who are used to beat up detainees work directly under instructions from camp police and directors, with police and detainees jointly carrying out the torture, or the *dashou* given direct responsibility for getting stubborn detainees to sign their "guarantees". Regular detainees are allowed, and in many cases trained, in using beatings and other torture and ill-treatment to achieve the re-education or other objectives of the camp police and guards. Detainees who succeed in getting a particularly resistant petitioner to sign their "guarantee", or "transforming" a recalcitrant Falun Gong practitioner are often rewarded with a reduction in their term, an increase in privileges such as better food, sleeping conditions, longer and more frequent family visits. By contrast, if they fail, they themselves are likely to be punished, including through denial of a range of privileges, among them family visits, access to better food, or even having their term extended. This clear structure of rewards and punishments and in many cases clear encouragement (and clear threats) on the part of camp authorities, result in detainee violence and physical torture against other detainees.

Zhao Shuhua, from Shenyang, Liaoning province, whose education was cut short in the 4th grade due to the outbreak of the Cultural Revolution, ran a small stand in the street market near her home in Shenyang with her husband before the crackdown on Falun Gong began. She explains that after she was detained in Beijing, having travelled there with her 16 year old daughter shortly after the crackdown on the group began in 1999 to "speak the truth" about Falun Gong, "from that day onwards my daughter and I never lived together again, except for a few days."[90]

For two years Zhao was in and out of detention, being held in 11 different places, including three times in RTL camps, as well as detention centres, and "brainwashing centres". Throughout, she doggedly refused to "transform" and to write the required "guarantee".

She was held in the Masanjia RTL from September 2000 to October 2001. When her turn came she describes the treatment meted out by the *dashou*, the detainees responsible for getting her to write her "guarantees":

"Six head "dashou" brought me to the toilets. They beat me all over my face and head with batons until my face changed shape. Later the police yelled at them, telling them they didn't know how to beat us so there wouldn't be any traces. The police then taught them how to beat us without leaving any traces. Another time two of them pulled my trousers down and held my legs. They used nail scissors and cut the inside of my thigh until there was no skin left. It smelled and became infected and all pussy. My trouser pants became incrusted with the puss. It smelled horribly. They forced me to squat that way, for hours and hours. When I needed the toilet I could not stand up, because the trouser pants were sticking to the puss. The pain was terrible. Before my leg had healed they threatened to cut my leg again. Several of them sat down on me. They were holding a pen and paper and forcibly made me hold the pen and sign the guarantee that they had written. I felt like a person who had been raped. I

felt such anguish. If the dashou get you to write the guarantee they get their sentence reduced. If not they might get their sentences extended." [91]

The next day, after repudiating the "guarantee" she had been forced to write, the chief of the first brigade, Zhang Suoyong, told the *dashou* to beat her again, right in his office. They beat her on the inside of her thighs, where the skin hadn't yet healed from being cut, with their soles of their plastic shoes. "They beat me for a whole day in the prison office, from 8am in the morning until 5pm, right in front of the brigade chief. Even the *dashou* were tired from beating me by the end of the day."

Political detainees are also coerced into assisting camp authorities with discipline and "re-education" of other detainees. Many of those interviewed by Amnesty International recounted that one of the ultimate tests used by camp officials of their own "re-education" or "transformation" was their willingness to cooperate with camp authorities in the "re-education" or "transformation" of other detainees, including monitoring their behaviour, pressuring them to write their "guarantees". Again, those with strong convictions in their own personal, political or religious cause, as well as a strong sense of solidarity with detainees of similar backgrounds, described this as a psychologically highly painful process, so much so that many found it extremely difficult to admit to having engaged in this or to divulge much about their role in this process.[92]

"Transformed" Falun Gong practitioners were reported to have been used extensively by camp officials to carry out and assist with the "transformation" of others and are viewed as particularly effective by camp authorities as they are knowledgeable about and can use the group's spiritual and ethical principles to "persuade" resistant practitioners. For instance, practitioners are told that since the tenets of Falun Gong practice call for practitioners to be kind and benevolent to others, by stubbornly refusing to recant their faith they are being selfish and self-centred and going against the virtues they are supposed to be cultivating.

The Masanjia RTL for instance, relied heavily during certain periods on "transformed" Falun Gong detainees to carry out the camp's "transformation" work. This included, according to individuals interviewed by Amnesty International, carrying out physical torture or ill-treatment as well.[93]

The greatest expressions of shame and mental anguish by Falun Gong practitioners during interviews with Amnesty International were associated with their recollections of having succumbed to the pressure and cooperated with the "transformation" process. Even more acute is the psychological shame and humiliation that some practitioners expressed in relation to participating in the "transformation" of other practitioners, to the extent that very few are willing to admit to their involvement in this or speak in detail about this experience.

The system of assigning tasks to camp detainees has a number of advantages for RTL camp authorities: it reduces the work of the camp personnel; it represents a strategy of "divide and rule", as it creates a schism between different groups of detainees; and camp officials seek in this way to diminish their accountability by limiting their direct role in carrying out torture and other ill-treatment. However, under international human rights law and standards those who order torture/ill-treatment or are otherwise complicit are just as culpable, for instance under the UNCAT, as are the physical torturers. An official who forces one detainee to ill-treat another must be held accountable for torturing or otherwise ill-treating both detainees.

THREATS TO FAMILY LIFE AS MENTAL TORTURE

RTL camp authorities often used the threat of divorce and other types of retaliation to family members as leverage to coerce individuals to write their "guarantees" and to cooperate with the "re-education" process. Often this technique is used against particularly resistant individuals when they were at their most vulnerable state, including those against whom physical torture had not yet been effective. The RTL camp authorities tap into complex networks that include local police and public security officials, local neighbourhood committees, work places, schools and universities to pressure detainees and their family members, all with the goal of coercing detainees to cooperate with the "re-education" process.

After suffering days of severe beatings, **Zhao Shuhuan** recounts:

"While I was in the office being beaten the brigade chief left to answer the phone. He came back saying that the court had approved my husband's request for a divorce. He said my husband told them that if I didn't write the "guarantee" that he would divorce me. I told them I still couldn't sign [the guarantee]. All the police that were in the room were saying, almost joking: "She is even willing to give up her handsome husband [for her beliefs]. Forget about it. Let's stop the beating." So they returned me to the toilet. When I got there, I thought to myself: "This is my new home. This is where I'll be living," because as long as you don't write the "guarantee" they won't let you out. That is where they fed me, just inches from where people were defecating. I was there for half a month – they didn't let me sleep, shower, wash my clothes, brush my teeth – for half a month." [94]

Ma Chunmei recounts getting the news that her husband had divorced her while she was in the Heizuizi RTL, Changchun city, Jilin province.

"I had a good family. My husband used to tell others proudly. "My wife became a better person after practicing Falun Gong. I would wait for her even if her term is 10 years." But to my surprise, under the CCP's threats and coercion, he wanted to divorce me if I would not give up my faith. After that, I do not know how I returned to my cell. I felt desperate…" [95]

Individuals who have not written their "guarantees" are also typically denied access to their family and lawyers, and may be kept completely cut off from the outside world for long periods of time. Some "stubborn" Falun Gong practitioners recount how camp authorities only allowed family visits in the hope that families might be effective in convincing them to accept the "transformation" process.

Zhang Weidi, who was twice incarcerated at Masanjia, recounts her experience.

"Before I was released from my first time at Masanjia I had been on a hunger strike for a very long time. I was very close to death. My parents came to the camp to try to see me. They were very afraid, as they had heard that many people had been hunger striking and dying at Masanjia. My parents were very afraid I might die as well. But the camp officials wouldn't let my parents see me. My father was 80 years old at the time. They wouldn't let my 80-year-old father see me, because I had refused to "transform" and was on a hunger strike. My father worried about me so much, every day. He died before I was released." [96]

Zhang Weidi also recounted the situation of one woman, a Falun Gong practitioner whose husband and young child had died accidentally at home from gas asphyxiation while she was in the camp.

"When her husband and daughter died she was very close to the end of her term. An official of the local government came to see her, to give her the news. He told that if she wanted to go home and see her dead husband and daughter she would first have to "transform". She refused. So she wasn't allowed to go see them. We heard her crying every day."

The treatment or punishment of the woman as described in Zhang Weidi's testimony amounts to mental torture under the definition of torture in the UNCAT, which is binding upon China, as is the absolute prohibition of resorting to such torture.

Individuals in RTL who refuse to cooperate with the "re-education" process are also told this would have dire consequences on their family members, including spouses and children. They are incessantly told they are being terrible spouses, mothers or fathers, and unfilial children to their parents, particularly if they are responsible for the care of elderly parents. Many women recounted to Amnesty International how their spouses were fired from their jobs, and other family members punished in other ways, as punishment for the detainees' refusal to cooperate. Many spouses were forced to divorce female detainees or lose their job, in many cases these divorces occurring while the women were still in detention. Because of women's' traditionally greater family responsibilities it appears that these psychological methods have had a disproportionate impact on women detainees.[97]

Yu Zhenjie, a Falun Gong practitioner from Mudanjiang, Heilongjiang province, recounted how the authorities tried to pressure her by threatening her with divorce and threatening her husband with the loss of his job.

"The court-appointed lawyer asked me, "do you want your husband or do you want your Dafa [Falun Gong]?" I told them I wanted both." He said "if you want Dafa then your husband will lose his job." [98]

She further recounted:

"My husband told the lawyer that I was a really good person, and that he really loved me. My husband's work unit allowed him to come see me several times – to convince me to "transform". That was the only reason they allowed him to come. He told me I was really sweet, in a simple kind of way. But he told me that if I didn't "transform" he would lose his job… My husband was kicked out of his job – later they gave him a really low level job. When I came out of detention we were already divorced. My brother had been sentenced to 15 years in prison. My daughter had been kicked out of university because she refused to stop practicing and had been sent to RTL. I had lost my job." [99]

FORCED FEEDING AND FORCIBLE DRUG INJECTION

Under international human rights law and standards as well as internationally accepted medical ethics, the participation of healthcare professional in torture and other ill-treatment is strictly prohibited. The Declaration of Tokyo, adopted by the World Medical Association in 1975, states that doctors shall not "countenance, condone or participate in" torture or other ill-treatment. The Declaration was revised in 2005 and 2006 to oblige doctors to protect the confidentiality of medical information and "not [to] use nor allow to be used, as far as he or she can, medical knowledge or skills, or health information specific to individuals, to facilitate or otherwise aid any interrogation, legal or illegal, of those individuals".[100]

The UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly in 1982, states: "It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment."[101]

Under the latter instrument, it is also a contravention of medical ethics for health personnel, including physicians, to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect "the physical or mental health or condition" of such prisoners, or to certify the fitness of prisoners for any form of treatment or punishment that may adversely affect their physical or mental health.

Individuals interviewed by Amnesty International reported the involvement of RTL police, officials and doctors working in hospitals or medical facilities attached to RTL camps, in the treatment of RTL detainees which adversely affected their health, including the forcible injection of unknown drugs, sometimes through IV drips. These officials and medical professionals were also in some cases involved in activities that caused unnecessary, and in some cases, what appeared to be deliberate pain and suffering to detainees.

Hunger strikes are a common form of protest among political RTL detainees, particularly petitioners and Falun Gong. They also lead to a very painful and dangerous form of torture and other ill-treatment – abusive forced feeding. Detainees on hunger strike are often force-fed by having thick plastic tubes forced down their noses, a process which is often done by RTL police, guards and even other detainees, not by medical personnel. Individuals interviewed by Amnesty International report that the thickness of the tubes and the rough, often purposefully brutal manner, through which they are inserted in the nose make the procedure extremely painful. In some cases police, guards and detainees purposefully and brutally pull the tubes in and out of the nose to inflict pain and in a way that causes profuse bleeding.

Detainees on hunger strike also report being often being hooked up to IVs, through which they are often forcibly injected with unknown drugs. In other cases detainees believe drugs are also sometimes secretly added to their food or drink, that caused them severe pain and suffering and sometimes had long-term negative consequences for their health.

Yu Zhenjie (discussed above) had worked as an accountant in the Mudanjiang's procuratorate's office, before she was forced out of her job in December 1998 on account of her practice of Falun Gong. She was sent to three years of RTL and transferred to the Shuanghe RTL, Heilongjiang province in December 1999. In an interview with Amnesty International she describes how she went on a hunger strike and was force-fed, with the director of the camp himself participating in her torture, helping the police to tie Yu Zhenjie to a bed and forcing tubes down her nose. After that they pulled the tubes in and out until her nose was bleeding profusely and there was blood all over the bed.

"Then they turned to me and ask "will you still practice?" I started to answer "we are all good people...." With the tubes still in my nose the police starting hitting me over the head with a metal baton over and over again, until my mouth and nose were bleeding all over the place. After that you couldn't even see my eyes my face was so swollen." [102]

Having failed to "transform" her, the Shuanghe RTL sent Yu Zhenjie to the Heilongjiang Provincial Enforced Drug RTL near the end of her three-year term. Yu Zhenjie recounts her arrival at the camp:

"When I first arrived at the camp the police told me "we've heard you are really fierce", and they put me into an iron cage and tied me to an iron chair. They asked me, "so, can you fly out of there? Then they gave me a shot. They told me I must be suffering and offered me a glass of water. I drank it without thinking. Then I lost feeling in my mouth. I began having extreme pain in my head. It felt like my head was being hit against a wall. Then they tied me up and gave me an IV drip. Suddenly I was unable to move. I fainted. They sent me to the Heilongjiang Provincial Hospital. The RLT police, who were monitoring me at all times in the hospital took off all my clothes – I was naked on this stretcher. The doctors there thought I was pretending to be sick and not able to move. They took something hard and stabbed my arm and leg. I couldn't move. They thought I was going to die. It was so painful and humiliating, worse than death. They left me there for three days." [103]

Zhao Shuhuan, in an interview with Amnesty International, recounts how she began a hunger strike as soon as she was transferred from the Masanjia RTL to the Shenxing RTL. The camp authorities began force feeding her through a tube inserted into her nose and she was given an IV drip. Zhao believes the doctors were putting unknown drugs into the IV drip on account of the painful effects. She describes the effects of the IV drip:

"The kind of pain I felt, I can't use words to describe it. I felt totally desolate. The drugs they gave me destroy your mental state. I didn't want to live -- that kind of pain is deep inside you, in your gut. My head was constantly dizzy. I lost all hope of living. I knew they wanted to kill me. The doctor told me that I would not live. He knew what kind of drugs they were giving me. He was the one giving me the drugs! He said "You won't survive. You won't live more than a couple of days." That was in the RTL hospital!" [104]

The RTL authorities contacted Zhao Shuhuan's family to come to the camp, in her opinion so that the family could convince her to sign the "guarantee". When one of Zhao's brother saw how emaciated Zhao Shuhuan was he told the RTL director: "If my sister comes out [of the camp] lying down, we don't want her. If she comes out walking on her own, we'll take her." Zhao Shuhuan's brother did take her home. As she said, "they didn't wait until I was dead."[105]

However, coming close to death did not mean the end of her suffering: Zhao was detained three more times in the following few years before she left the country, each time refusing to cooperate with the authorities, and each time going on a hunger strike.

DEATHS IN RTL

Amnesty International has reports of detainees who did not survive the torture they were subjected to and died either in the camps or shortly after their release. Many former RTL detainees interviewed by Amnesty International recounted feeling that they had come close to death in RTL, in some cases released only because camp authorities believed them to be at the point of death. Many Falun Gong practitioners also reported that RTL police and guards frequently told them, in some cases while torturing them, that RTL camps had a "quota" of individuals that could die each month or year – meaning that if they refused to cooperate

they were risking death.[106] Deaths were in some cases explained by RTL authorities as suicides, as resulting from sickness, or from other "accidents".

One common cause of death reported to Amnesty International by former RTL detainees is death from complications associated with force-feeding during hunger strikes. Because the police or detainees who insert the tubes lack medical training and the often purposefully brutal way in which tubes are inserted, the tubes are reported to frequently puncture the lung as they are inserted, asphyxiating the individual.[107]

Faluninfo, an overseas Falun Gong website that receives reports of cases of persecution of Falun Gong practitioners in China, has reported 3700 deaths in custody of practitioners from 1999 to the present. Of this total, over 700 were reported to have occurred in RTL camps or shortly after release from RTL due to abuses suffered in the camps.[108]

This may be only a small portion of the actual number of deaths in custody, and indeed only a portion of total deaths in RTL camps, as many families do not seek legal redress for these deaths or systematically inform overseas sources. Family members interviewed by Amnesty International tell how they were threatened and warned by police and public security forces not to speak publicly about the death of loved ones nor to seek redress, or to demand an investigation, with those who did so being harassed, detained and in some cases sent themselves to RTL or other forms of arbitrary detention in retaliation.[109]

Wang Xiuqing and her daughter **Qin Hailong**, were both sentenced to 18 months RTL in November 2011 after making efforts to seek legal redress for the death of Wang Xiqing's husband and Qin Hailong's father, **Qin Yueming**, in Jiamusi Prison in February 2011. The family found Qin Yueming's body covered in extensive bruises and he had blood coming from his nose when they viewed his body at the prison. He is believed to have been tortured to death.[110]

Jiang Xiqing was detained on 14 May 2008 and sentenced to one year RTL for practicing Falun Gong, and was sent to the Xishanping RTL in Chongqing municipality. On 28 January 2009 the RTL camp authorities informed Jiang's family that he had died of a heart attack. He was cremated without the consent of his family. Two lawyers hired by the family to seek legal redress for Jiang Xiqing's death, Zhang Kai and Li Chunfu, were beaten by local police at their client's home on 13 May 2009 while they discussed the case. They were then taken to the police station, further tortured and threatened by police to drop the case, and told that they could not defend Falun Gong cases.[111] An initial forensic examination is reported to have indicated that Jiang Xiqing had three broken ribs, haemorrhaging and bruising around his chest, suggesting he had been tortured.[112]

Many Falun Gong practitioners and other RTL detainees interviewed by Amnesty International reported personally knowing at least several Falun Gong practitioners who died in custody or shortly after release, many of them in RTL camps. Many recounted how Falun Gong practitioners being held in the same camp as them would suddenly disappear, in some cases after being tortured, and were never brought back to the camp.

Zhang Lianying (discussed above), who spent more than six years in three different RTL camps between 2006 and 2011, recounted to Amnesty International the cases of 21 Falun Gong practitioners she knew personally who died from torture or other ill-treatment in custody, or shortly after release, including at least six in RTL camps. Some of these individuals were her neighbours while others were people with whom she was detained in RTL camps. Some of these individuals died in detention after torture, while others disappeared

suddenly from the camps and Zhang Lianying confirmed subsequently with their family they had died.[113]

ABUSES CONTINUE DESPITE RTL CAMP CLOSURES

Prior to the recent CCP announcement from the Third Plenum regarding the intention to abolish the RTL system, there were repeated signals from high-ranking officials and other sources that the authorities were planning major reforms of the system. A working meeting of the national Law and Politics Committee held in January 2013 was reported to have stated that reform of the RTL system was a priority for the year.[114] Additional reports refer to guidelines on how to carry out these reforms issued by the central Law and Politics Committee and the Ministry of Justice. On 28 January 2013 the director of the Guangdong province justice bureau, Yan Zhiti, was reported to have stated that Guangdong province would follow central guidelines in its reform of the system, with the possibility that the RTL system would be abolished before the end of the year.[115] An employee of the RTL Work Management Office of the Guangdong Province Justice Bureau was reported to have said on 15 July that there already were no new individuals being sent to RTL in Guangdong province as of that date, in line with the national situation. On 17 March China's Premier Li Keqiang further announced at a Beijing press conference that plans for the reform of China's RTL system might be unveiled by the end of the year.[116]

Furthermore, reports received by Amnesty International, including from detainees being released from the RTL camps in different parts of the country, confirm that the authorities began significant changes to the system earlier in the year. These RTL detainees reported that numerous RTL camps have shut down. According to interviews the Hebei Women's RTL in Shijiazhuang began sending detainees home around July, with the last Falun Gong detainee, Li Shanshan, released on 8 November 2013.[117] The last Falun Gong detainees of the Jiangsu Women's RTL are reported to have been released on 19 August. A few other reported shut downs include the Heilongjiang Province No. 1 Women's RTL, reported to have released its final detainees and shut down by 29 August; the Qianjin RTL in Harbin which had reportedly also released its last detainees by September; and the Baimiao RTL in Zhengzhou City, Henan Province, was reportedly shut down in early October.[118]

Despite the now official statement of the CCP's intentions to abolish the RTL system and the already well-advanced measures taken in that direction, central authorities have not make public a comprehensive plan as to how the system will be abolished and have not given any clear public indication of their intentions regarding what, if anything, will replace the RTL system. Nor have authorities been transparent about what will happen to the detainees in the camps still in operation and whether those being released will have their RTL terms completely annulled. Does the shutting down of the system signify that the former detainees should never have been detained in the first place? Does it signify that similar individuals as those previously held in RTL will in the future not be held in any form of detention? Many critical questions remain, at least to the public, unanswered.

The Third Plenum's Resolution states the CCP's intention to "perfect the laws for punishment and correction of unlawful and criminal acts, and strengthen the community correction system". However, the authorities have not detailed what type of system may in future replace RTL.[119] The Draft Law on the Correction of Illegal Behaviours announced by the NPC in 2005, which originally was presented as a legal replacement for the RTL system, has still not been approved, nor is it clear if it is still the principal legal framework being considered.[120] Pilot projects to test possible new systems were carried out in four cities – Jinan, Lanzhou, Nanjing and Zhengzhou, beginning in 2011, on the basis of a document issued by the SPC entitled Pilot Methods for the Correction of Illegal Behaviour Committee (a document undisclosed to the general public) yet little has been reported on these efforts.[121]

In an online article published on 9 March 2013, Chen Jiping, NPC delegate and a senior legal advisor to the government, was quoted as saying that 'community corrections have been operating with relative success; it is time to stop the RTL.'[122] On the other hand, Chen Jiping is also reported to have remarked that "people who would have been sent to labour camp by police might now go to court, receive an administrative sentence, or a fine."[123]

The authorities' lack of transparency regarding plans and intentions for shutting down the RTL system reinforces concerns regarding the fate of current and recently released RTL detainees, as well as the possibility of on-going human rights violations against individuals and groups formerly targeted by the RTL system. Reports in the later part of 2013 suggest Chinese authorities are continuing to punish many of the same categories of individuals formerly targeted by the RTL system, but using other forms of arbitrary detention and punishment to do so.[124]

First, while many RTL camps have been declared "shut down", many of these are reported to have either simply changed their name, in many cases being renamed enforced drug RTLs (*jiedu laojiaosuo*), or put to use for other forms of arbitrary detention. Based on individuals detained in drug RTLs who spoke to Amnesty International, these institutions appear to operate very similarly to the regular RTL camps, with the principle difference being that a greater proportion of their detainees may be drug addicts. However, in recent years the regular RTL camps were reported to have a large population of drug addicts. Likewise, political detainees, including petitioners and Falun Gong practitioners have also been sent in recent years to drug RTLs, narrowing the differences between these two types of institutions. The Dalian RTL, for instance, which was reported to have shut down in September 2013, with at least some of its detainees being sent home is reported to have been renamed a drug RTL camp.[125] The Xinjiang Women's RTL has also been reported to have been shut down but renamed an enforced drug RTL camp in September, although it was not known what proportion of its detainees remained when this happened.[126] The Jiangsu Province Women's RTL reportedly changed its name to the Jiangsu Province Women's Enforced Drug RTL.[127] Other RTL camps that have been reported to have been changed into enforced drug camps include the Sichuan Province Mianyang City Xinhua RTL, the Shanghai Qingpu No. 3 Womens' RTL, and the Jilin Province Women's RTL.[128] This raises the concern that many former RTL camps are simply being transformed into, or may re-open in a short while, as enforced drug RTL's. The latter in key respects function similarly to the old RTL and violate many of the same international human rights laws and standards, in terms of being systems of administrative detention in which detainees may be held for years without due process, in which harsh regimes of enforced labour are imposed, and in which torture and other ill-treatment are common.

A journalist writing for the Sina website reported that according to information he had gathered from officials in the public security and judicial system, the "dominant trend is for RTL camps to be transformed into enforced drug camps".[129] According to other information on the Sina website quoting a source from the Shandong province justice bureau, numerous RTL camps in the province were "changing their nature" to become enforced drug RTL camps, with one third of all RTL camps in the province having already "replaced their label" to drug RTL's as of July 2013 .[130]

FALUN GONG PRACTITIONERS

A second concern is the transfer of significant numbers of RTL detainees to other RTL camps or other forms of arbitrary detention when RTL camps are shut down. This appears to be the case for at least significant numbers of political detainees, including important numbers of petitioners and Falun Gong practitioners. While a part of the detainee population of the Jiangxi Province RTL were sent home in the first half of 2013 and the camp officially shut down, the majority of Falun Gong practitioners from the camp were reported to have been transferred to the Jiangxi Province Enforced Drug Rehabilitation camp.[131] The remaining detainees in the Qinhuangdao RTL in Hebei province after it was closed were likewise said to have been transferred to the Tangshan City Kaiping District No. 1 RTL in Hebei province.[132]

Individuals in a number of localities report that public security bureau and 610 Office officers now routinely seek to detain Falun Gong practitioners as they are released from RTL camps in order to send them to "brainwashing centres", detention centres, or prison. The majority of reports of such direct transfers obtained by Amnesty International concern Falun Gong practitioners who have refused to "transform".[133]

When the Nanchong RTL in Sichuan province was shut down, over ten Falun Gong practitioners formerly detained there who had refused to renounce their beliefs are reported to have been directly transferred to a local "brainwashing centre".[134]

One source who spoke to Amnesty International recounted how he and thirteen other Falun Gong practitioners (including men and women) who had been detained at the Jiangsu province Fangqiang RTL were transferred on 21 February 2013 to the Judong Womens' RTL when the former was shut down. Then on 13 August 2013, the day the Judong Womens' RTL itself was shut down, the local 610 Office in Xinghua city took at least five of the original fourteen to the Xinghua city "brainwashing centre", all of whom had refused to "transform" while in the RTL camps. At the time of publication, at least four of these individuals were still being held at the "brainwashing centre".[135]

In other cases individuals formerly in RTL camps have simply disappeared, at least for significant lengths of time, before their families are able to get information as to their whereabouts and well-being.

Sun Xiao from Wuxi City, Jiangsu province, formerly held at the Fangqiang RTL, Jiangsu province, and then transferred to the Judong RTL, disappeared on 20 September. After initially refusing to provide any information to friends and family, the local 610 Office eventually confirmed that Sun Xiao had been sent to the Xinghua City "Legal System Education Study Class", referred to by locals as a "brainwashing centre". Neither his family nor friends had been able to see Sun Xiao or to learn of his well-being at the time of publication. Sun Xiao's father died while he was in RTL and his mother is in ill-health from cancer and has difficulty leaving the house.[136]

Shi Bingjun, also from Wuxi City, Jiangsu province, was also one of those transferred from Fangqiang RTL when it was being shut down to the Judong Womens' RTL in February 2013. However, on 10 October 2013 his family lost all contact with him and the authorities initially refused to provide any information as to his whereabouts. After considerable effort, with the police at first refusing to provide any information, Shi Bingjun's mother was told by the Wuxi public security bureau that he had been sent to the Wuxi city Number One Detention Centre. At the time of publication Shi Bingjun's mother had been unable to see her son and the police continue to refuse to provide any information on his well-being.[137]

In other cases individuals from politically sensitive groups are not being released, even though the camps are reportedly closed and other detainees released. At the time of publication, three Falun Gong practitioners, **Han Fenghua**, **Xie Lijuan** and **Fei Guiling**, all women, are still being held at the Huizuizi Women's RTL Camp, despite the camp being reportedly shut down. Camp officials have reportedly threatened to send them to a drug camp.[138]

According to sources in Tonghua city, Jilin province, the 610 Office and public security bureau officers routinely show up at the local RTL camps on the day Falun Gong practitioners are scheduled for release. According to one source "the RTL camp won't release a Falun Gong practitioner unless 610 Office and public security bureau officers are there."[139]

In response to this trend, in at least some localities large numbers of Falun Gong practitioners have taken to gathering at the gates of the camp the day a practitioner is due to be released, ready to prevent the individual from being taken away by the 610 Office and public security officers. On 14 August 2013, the day that **Du Guolin** and **Wang Xingui** were released from the Changchun Fenjin RTL, over a hundred supporters gathered at the gates of the camp, and prevented the 610 and public security officers from detaining the two.[140]

Zhang Zhi, a fifty-plus year old female Falun Gong practitioner and former teacher at the Heilongjiang Agricultural Farm Middle School, was released in June 2013 from the Harbin Enforced Drug RTL Camp.[141] When she left the camp her family was there to take her home. However, staff from the Harbin 610 Office was waiting at the gate and sought to take Zhang Zhi away to a "brainwashing centre", but her family intervened and succeeded in preventing them from doing so. However, Zhang Zhi was reportedly fearful that the police would come and detain her at her home so she went into hiding.[142]

Yet another trend is individuals who are released from RTL, or who escape from re-detention through the intervention of supporters, are quickly picked up again by police and sent to some form of arbitrary detention. At least four individuals from Tonghua city, Jilin province, disappeared or were detained on 29 October 2013, including **Yang Fujun**, **Hu Song**, **Song Dianjie** and **Liu Ying**. The 610 Office initially refused to give the family any information, but eventually told them they had been detained and sent to the Tonghua city "brainwashing centre", located in the Hejia Xiaobinguan (Hejia hotel).[143]

RTL camps which have been shut down are also being used as a location to set up new "brainwashing centres". After the Jixi RTL camp, Mudanjiang city, Heilongjiang province was shut down it was turned into a "brainwashing centre". According to Tang Jitian, the lawyer hired by the husband of **Yu Jinfeng**, a Falun Gong practitioner from Hulin city, Heilongjiang province, she was sent to this "brainwashing centre" set up in the former Jixi RTL. Tang Jitian was refused access to his client and while discussing the case at her home was himself

detained for 5 days in the Tonghua detention centre from 13-18 November.[144] At the time of publication neither Yu Jinfeng's husband nor the lawyer had been allowed to see her.

Zhang Yisu, a Falun Gong practitioner from Beijing, was released from the Beijing Women's RTL in June 2013, having been sent to RTL for renting a room in her home to Cao Dong, another Falun Gong practitioner. After her release the director and party secretary of the Guowang neighbourhood committee, Wang Qin, is reported to have continuously threatened and harassed her, saying that if she did not renounce her beliefs in Falun Gong she would be re-detained and sent to a "legal education class", or "brainwashing centre". On 27 August Wang Qin is reported to have come with local police and detained Zhang Yisu and sent her to a local "brainwashing centre".[145]

The Beijing Xin'an RTL is reported to have released most of its Falun Gong practitioners on 5 July. However, practitioners who had refused to "transform" are reported to have been directly sent to various "brainwashing centres" around Beijing**. Liu Yongping**, formerly held by this RTL camp, is reported to have been sent to a "brainwashing centre" in the Shahe Xiaotanshan township in Beijing.[146]

In other cases Falun Gong practitioners are reported to have been released from RTL but conditionally. Some families of Falun Gong practitioners reported having to sign "agreements" with the local police, 610 Office, or public security forces, guaranteeing the behaviour of their family member as a condition for their release. Families of Falun Gong practitioners held in the Heilongjiang Enforced Drug RTL were required in September to go to the local 610 Office to sign a "guarantee" before the RTL was willing to release the individuals. Upon leaving the camp, the Falun Gong practitioners were warned by the RTL camp police that if they continued to practice their religion they would be "either be sent to prison or to a brainwashing centre."[147]

Lu Peihong, the head "instructor" (*jiaodaoyuan*) of the 3rd Brigade, warned **Liu Lijie** on 8 September, as she was being released from the Harbin Women's Enforced Drug RTL camp not to "get involved in any Falun Gong activities", saying that the methods used at that RTL camp were very "refined" and "civilized" in comparison to other places.[148] When Liu Lijie disagreed and pointed out the camp had used torture against her and other detainees, Lu Peihong responded by saying: "You'll see. If you get sent to prison or a brainwashing centre, you'll see that the methods there are even more evil. And you'll get sentenced to a long prison term."[149] Shi Shuai, the deputy director of the 3rd Brigade in the camp, threatened detainees that if they did not cooperate they would be sent to prison.[150]

The Beijing Women's RTL is reported to have divided the Falun Gong practitioners in the camp into three groups; those being given early release; those being released on "bail"; and those "carrying out their sentence outside". The third category is reported to have been composed primarily of practitioners who refused to cooperate with the authorities while in the camp. The second category may have been cases of individuals whose "transformation" the camp authorities considered shaky. For all cases the camp is reported to have devised methods for "on-going controls" and supervision. Police regularly "visit" the homes of released Falun Gong detainees, and the latter must regularly report to the police on their activities, and are not allowed to leave Beijing without authorization. Those who were released early are not considered to have finished their sentence until the end of their original term. **Zhang Fengying**, who was sent home after eight months in the Beijing Women's RTL, was told by the RTL police that she should "obediently stay home". When she requested to be able to fill out the exit form given to most detainees when they are released

from RTL, the RTL police told her that the instructions from the Beijing RTL Bureau was that she would not be allowed to fill it out until the end of her original term.[151]

An analysis of cases of detention of Falun Gong practitioners reported on the overseas Falun Gong Minghui website in the first half of the year shows a drastically reduced use of RTL as a form of detention and punishment for this group, but a relative increase in other forms of detention. The list of cases of Falun Gong practitioners detained, arrested, or in detention in the first half of 2013 gives the following results: 14 new cases sent to RTL; 186 cases sent to "brainwashing centres"; 445 sentenced to prison; and 2021 criminally arrested and awaiting trial.[152]

PETITIONERS

Evidence recently gathered by Amnesty International and other NGOs show similar results for petitioners – that despite the closure of RTL camps and the recent announcement regarding its imminent abolition, the practice of arbitrarily detaining, harassing, and forcibly sending individuals back to their hometowns for their petitioning activities has continued unabated.[153]

Police in Beijing continue to round up petitioners, subject them to arbitrary detention, and to hand them over to provincial police, who typically forcibly return them to their hometowns where they may be further subjected to arbitrary detention where torture and other ill-treatment is common. Petitioners are most vulnerable during "sensitive" periods – when the CCP and government are holding important meetings. This was the case prior to the Third Plenum, held in Beijing from 9-12 November. Days before the start of the meeting, local police began rounding up large numbers of individuals suspected of petitioning in the capital. Many were prevented from even travelling to the capital by police in the provinces.

As Liu Hua recounted to Amnesty International, "You just can't go anywhere in Beijing to petition. If you get near a government building they will detain you."[154]

However, while petitioners used to be sent to RTL camps in large numbers, they now appear to be primarily sent to "black jails", forcibly held in psychiatric institutions and hospitals, detention centres, threatened with prison terms, and harassed in other ways if they do not cease their petitioning. While these forms of punishment had previously been used against petitioners, Amnesty International interviews with petitioners suggest their use has increased over the last year.[155]

Several days prior to the beginning of the Third Plenum, more than 300 former People's Liberation Army (PLA) officers travelled to Beijing in the hope of submitting their cases to higher level leaders. According to a PLA veteran, **Sun Enwei**, quoted by Radio Free Asia (RFA) on 6 November, these PLA veterans had been sent home, while more than 1000 across the country were under tight surveillance or being held under house arrest. The veterans were seeking to lodge complaints regarding promises of jobs and pensions after their demobilization from the PLA that allegedly have not been honoured by the government.[156]

Xu Lingyong, a disabled petitioner from Shaanxi province interviewed by RFA said Beijing's low budget guesthouses were packed with petitioners seeking to get a hearing for their complaints prior to the Third Plenum. Many of these, however, were rounded up and detained in Majialou, an unofficial detention centre on the outskirts of Beijing. As reported to RFA, Xu Lingyong said "they used security guards and police officers to force us onto buses. They are clearing all those who come from other cities and provinces out of Beijing."[157]

Many of the petitioners formerly detained in the Masanjia Women's RTL – many of whom featured in the video exposing torture at the camp – have been arbitrarily re-detained in a variety of ways since their release from the RTL camp.

- **Chen Shenqun**, formerly a worker at the Sujiatun District Grinding Mill in Shenyang, Liaoning province, was sent to Masanjia for petitioning after she lost her job. While at Masanjia she was ill-treated, including not being allowed to urinate while at work. She was released from Masanjia on medical bail on 30 June 2009. Subsequently, because she continued her petitioning, she was sent twice to the Sujiatun Mental Hospital in Shenyang, once for 48 days in 2011 and for a month in 2012. Earlier in 2013 she was locked up in a "black jail" located in a hotel in Sujiatun where the police threatened to send her to prison if she did not stop her petitioning.[158]

- **Wei Guilan**, a former detainee of the Masanjia Women's RTL was detained in Beijing on 5 November 2013 as she approached the office of the Supreme People's Procuratorate to submit a petition regarding her case. She was detained by Beijing police who handed her over the Liaoning province public security personnel, who then forcibly returned her to Liaoyang city, Liaoning province, where she was detained until 13 November.[159]

- Petitioner **Qu Meiyu**, from Benxi city, Liaoning province, was badly tortured in Masanjia for her petitioning activity in connection with her husband's failure to be compensated for a workplace injury. After she continued her petitioning activity following her release from Masanjia on 7 January 2013 she was twice held in administrative detention in Benxi, once in August and once in September, each time for 10 days. Her husband, **Feng Yongquan**, who is physically disabled, was also detained for more than twenty days in a "black jail" in the last few months. Both Qu Meiyu and her husband do not dare return home, for fear of retaliation from the local authorities.[160]

- **Li Ping**, who is from Liaozhong county, Liaoning province, and who is physically disabled, was detained by Beijing police for her petitioning activity and sent back to Liaoning province on 28 September and forcibly detained in a small county hospital on 3 November, reportedly under the guise of "caring" for her.[161] Provincial police are also reported to still be paying the Beijing police to hand over "their" petitioners detained in Beijing, in order to forcibly send them back to their hometowns.

In addition to arbitrary detention, police find other ways to harass petitioners. Liu Hua, who has taken a very public profile in denouncing the abuse petitioners have been subjected to, has not been re-detained since her release from Masanjia, perhaps due to her high international profile. However, on 18 July she alleges that the police stole her and her husband's rickshaw. She feels, considering the timing, that she and her husband were being targeted due to her role in Du Bin's video exposing the torture in Masanjia. Liu Hua lamented:

"I can't go home because the local authorities will retaliate against us for exposing them. But here in Beijing the police try to make life unbearable for us. They stole my husband's rickshaw. We have no money. And now we have no means to make a living." [162]

- **Fan Miaozhen**, a 71-year-old woman who sought to help fellow villagers defend their land rights, was forcibly incarcerated in the Shanghai Municipal Chongming County

Psychiatric Centre on 17 October 2013, without the admitting doctor performing a mental health evaluation, and kept for three days. It was the third time the local authorities sought to forcibly admit her to this psychiatric facility. The first time, in December 2010, she was kept there for 56 days, and subjected to torture, including the staff covering her head and stuffing her mouth with paper before electrocuting her after she refused to take "medication". Fan Miaozhen had earlier filed a lawsuit against her local authorities, but lost the court case. The second time the police sought to have her committed, on 28 March 2013, the doctor at the psychiatric facility refused to admit her, after asking her several questions, saying that she was not mentally ill, despite the pressure from the police.[163]

- **Zhang Haiyan** was incarcerated against his will in the psychiatric unit of the Fengcheng City Fourth Hospital, in Liaoning province, on 11 October 2013 after he was held in custody on the criminal charge of "disrupting public order" for 42 days. He was first detained by Fengcheng police on 31 August 2013. He was admitted to the psychiatric unit without a medical assessment. He was released after approximately 20 days, but only after he signed a "guarantee" that he would not engage in any "abnormal petitioning", would not express critical views of his experience online, and not participate in any gatherings. While he was detained in the psychiatric unit the staff tied him to his bed and forced him to swallow pills that made him sleepy.[164]

Overall statistics based on reported cases of various types of administrative and criminal detention confirms a similar trend during the first half of this year of reduced use of RTL as a form of punishment for human rights defenders, coupled with increased use of other forms of punishment, including arbitrary detention and criminal prosecution.

Analysis of a list compiled by the Chinese Human Rights Defenders Network of human rights defenders detained during the period from 1 January 2012 to 30 June 2013 underscores the low rate of use of RTL, together with a much higher use of criminal prosecution, "black jails" and other forms of administrative detention, as well as enforced disappearances.[165] Of the more than 740 cases on the list last updated on 30 June 2013, there are only 31 cases of RTL punishment. This contrasts with 331 cases of other forms of administrative detention, including primarily short-term administrative detention or "summonsing"; 102 cases of criminal detention; 171 cases of "black jails"; and 34 cases of enforced disappearances. Most of the RTL cases were individuals detained and sent to RTL in 2012, with significantly fewer cases from 2013.

CONCLUSION

The announcement on 15 November that the CCP intends to abolish the RTL system is a positive development for China's criminal justice system. This decision has the promise of sparing hundreds of thousands of individuals possibly years of arbitrary detention, ill-treatment and abusive conditions.

However, this promise will not be fulfilled if the authorities simply use alternative means to arbitrarily detain, subject to forced labour, and in some cases to torture and other ill-treatment, the same individuals and groups that were formerly targeted through the RTL system, many of them for simply exercising their human rights.

Preliminary evidence gathered by Amnesty International reinforces this concern, particularly in relation to politically sensitive groups and individuals.

Many of the policies and practices which resulted in individuals being punished for peacefully exercising their human rights by sending them to RTL have not fundamentally changed: quite the contrary. There is ample evidence that such policies and practices are continuing in full force. The latest anti-Falun Gong campaign, launched earlier this year and intended to operate for three years, shows that the CCP's determination to rid China of this spiritual group has not abated. Falun Gong practitioners continue to be punished through criminal prosecution and being sent to "brainwashing centres" and other forms of arbitrary detention. Petitioners likewise continue to be subjected to harassment, forcibly committed to mental institutions and sent to "black jails" and other forms of arbitrary detention. Human rights defenders, democracy advocates, whistle-blowers and other political activists are also being increasingly targeted through criminal detention, "black jails", short-term administrative detention, and enforced disappearances, rather than RTL.

The closure of RTL camps, while undoubtedly a positive step, and one which has at least brought temporary relief to thousands, if not tens of thousands, will not bring long-term relief or justice if the policies driving the human rights violations do not change. Chinese authorities need to abolish all forms of arbitrary detention, including "black jails" and "brainwashing centres", stop the abusive use of mental institutions and enforced drug camps, and stop punishing individuals for doing nothing more than peacefully exercising their human rights.

RECOMMENDATIONS

Amnesty International urges the Chinese authorities to:

- Cease transfers of detainees from Re-education through Labour camps to other forms of arbitrary detention;

- Make public any plans for replacing the RTL system and provide information on the legal status of any individuals released from the system;

- Abolish all other forms of administrative detention, close down all places of detention which deprive individuals of their liberty without due process, including the rights to judicial review and safeguards against torture and other ill-treatment;

- Ensure in law, policy and practice that every person suspected of an internationally recognized criminal offence is held in humane conditions in recognized detention centres with access to a lawyer, family and medical care, is not tortured or otherwise ill-treated, can challenge the detention before a court and is promptly either charged with such an offence or released, unless they are remanded by a court;

- Ensure in law, policy and practice that no one is subjected to arbitrary deprivation of liberty on grounds of drug abuse, mental disorder, or intellectual or psychosocial disability;

- Guarantee the rights of detainees in line with international standards, including the right to be held in a recognized place of detention, prompt notification to family following arrest or detention, and timely access to legal counsel;

- Stop criminal prosecutions, arbitrary detentions, enforced disappearances, torture and other ill-treatment as well as other violations of the human rights of individuals for peacefully exercising their rights to freedom of expression, association and assembly, thought, conscience and religion;

- End all torture and other ill-treatment, whether physical or mental; thoroughly investigate all allegations of torture, including rape and other ill-treatment in custody, including those raised by alleged victims or their lawyers; end the impunity of officials who engage in torture and other ill-treatment by prosecuting and punishing those found responsible and by implementing the necessary institutional reforms to ensure effective enforcement of existing laws prohibiting torture; and provide proper redress and compensation to victims;

- Ratify the International Covenant on Civil and Political Rights, incorporate its provisions into domestic Chinese law and ensure its implementation in law, policy and practice;

- Ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and take immediate steps to create independent, professional, well-resourced National Preventive Mechanisms with unfettered access to all places where people are deprived of liberty and to all such people as provided in that Protocol.

ENDNOTES

[1] Amnesty International interview, 18 November 2013.

[2] "CCP Central Committee Resolution concerning Some Major Issues in Comprehensively Deepening Reform, Third Plenum of the 18th CCP Central Committee, 9-12 November 2013, Section IX, paragraph 34, http://www.china.org.cn/china/third_plenary_session/2013-11/16/content_30620736.htm, accessed 3 December 2013, (CCP Third Plenum, "CCP Central Committee Resolution").

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[4] Clarissa Sebag-Montefiore, "China Announces End to Labor Camp in a Nod to Public Opinion", *New York Times* blog, 22 January 2013, http://latitude.blogs.nytimes.com/2013/01/22/in-the-best-case-scenario-laojiao-would-be-abolished-outright, accessed 7 November 2013.

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[6] Amnesty International, *People's Republic of China Abolish: "Re-education through Labour" and other forms of punitive administrative detention: An opportunity to bring the law into line with the International Covenant on Civil and Political Rights*, (May 2006, Index: ASA 17/016/2006) (Amnesty International, "People's Republic of China: Abolish "Re-education through Labour").

[7] Fu Hualing,"Re-education through labour in historical perspective", *China Quarterly*, 2005, No. 184, pp. 811-830 (Fu Hualing, "Re-education through labour in historical perspective").

[8] Fu Hualing, "Re-education through labour in historical perspective", p. 814.

[9] "The 1979 "Supplementary Decision of the State Council for Re-education through Labour" (*Guowuyuan guanyu laodong jiaoyang de buchong jueding*),called for setting up RTL administrative bodies within all provincial level units and middle to large sized cities. It set a time limit of four years for incarceration, including an original sentence of one to three years, with one additional year's extension allowed. RTL committees were supposed to bring together members of civil administration, public security, and labour bureaus. Veron Mei-Ying Hung, "Improving Human Rights in China: Should Re-Education Through Labor Be Abolished?", *Columbia Journal of Transnational Law*, No. 41, 2002-2003, pp. 303-326 (Veron Mei-Ying Hung, "Improving Human Rights in China: Should Re-Education Through Labor Be Abolished?").

[10] Veron Mei-Ying Hung, "Improving Human Rights in China: Should Re-Education Through Labor Be Abolished?"

[11] The 1982 Trial Methods added to the original four categories of individuals anyone who "joined others to commit a crime such as murder, robbery, rape, and arson," or who "abetted others to commit a crime" but where the circumstances were not serious enough for criminal punishment.

[12] Fu Hualing, "Re-education through labour in historical perspective", p, 820.

[13] Fu Hualing, "Re-education through labour in historical perspective", p. 822.

[14] Wu Jiao, "New law to abolish *laojiao* system", *China Daily*, 1 March 2007, http://www.chinadaily.com.cn/china/2007-03/01/content_816358.htm, accessed 7 November 2013 ("New law to abolish *laojiao* system", *China Daily)*.

[15] "Brief introduction to the work of China's Re-education through Labour system", Ministry of Justice website, 7 July 2011, http://www.moj.gov.cn/ldjyglj/content/2011-07/07/content_2785241.htm?node=258, accessed 28 November 2013.

[16] "New law to abolish *laojiao* system", *China Daily*.

[17] "RTL's time has come," *Caijing*, 27 January 2013, http://magazine.caijing.com.cn/2013-01-27/112466106.html, accessed 28 November 2013.

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[20] Du Bin, "Above the Ghosts' Heads: The Women of Masanjia Labor Camp", first public screening in Hong Kong on 1 May 2013, available at http://www.youtube.com/watch?v=VhoVrg3IvGA, accessed 3 December 2013 (Du Bin, "Above the Ghosts' Heads: The Women of Masanjia Labor Camp").

[21] Human Rights Watch, *An Alleyway in Hell: China's Abusive "Black Jails*, November 2009, pp. 12-17.

[22] The closure of the *shourong qiansong* system was triggered by the public outcry after the beating to death of a young migrant worker, Sun Zhigang, in such a facility in Guangzhou, shortly after which the government suddenly announced the abolition of the system. For further information about the death of Sun Zhigang, see Amnesty International, *China: Abolition of "Custody and Repatriation" welcomed, but more needs to be done*, (27 June 2003, Index: ASA 17/028/2003).

[23] Robin Munro, *Dangerous Minds: Political Psychiatry in China Today and its Origins in the Mao Era*, Human Rights Watch and Geneva Institute on Psychiatry, New York, 2002; and China's Psychiatric Inquisition: Dissent, Psychiatry and the Law in Post-1949 China, Wildy, Simmonds and Hill Publishing, 2006.

[24] China Human Rights Defenders, *Silencing Complaints: Human Rights Abuses Against Petitioners in China*, 2008.

[25] Amnesty International interviews, 2011 to 2013. For example, human rights lawyer Jin Guanghong recounted to Amnesty International how he was forcibly injected with unknown drugs while detained in a psychiatric institution in April 2012 for ten days.

[26] Human Rights Watch, *Where Darkness Knows No Limits: Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China*, New York, 2010.

[27] UNAIDS, "AIDS in China: background information on the epidemic and the response", August 2009, http://www.aidsdatahub.org/sites/default/files/documents/AIDS_in_CHINA_Background_information_on_the_epidemic_and_the_response09.pdf, accessed 29 November 2013.

[28] UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles) Principle 11(1) states: "A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority." UN Doc. A/RES/43/173, 9 December 1988.

[29] See for instance Articles 9 and 14 of the ICCPR.

[30] See for instance Human Rights Committee, General Comment No. 29 (2001) on states of emergency, UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001, para. 11. The WGAD has stated this fact often, including in Opinions on detentions in China. See for instance UN Working Group on Arbitrary Detentions, Communication No. 29/2011 (China), concerning: Zhou Yung Jun, Opinion adopted on 30 August 2011, para. 29, http://www.unwgaddatabase.org/un/Document.aspx?id=2811&terms=%28+china+%29. It should be noted that Zhou Yung Jun was, among other things, subjected to RTL detention.

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[32] People's Republic of China Legislative Law (*Zhonghua renmin gongheguo lifafa*), available at http://www.gov.cn/test/2005-08/13/content_22423.htm, accessed 28 November 2013

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[34] Bo Xilai's "strike black" anti-crime campaign was subsequently widely criticized both within and outside of China for violating the rights of targets. See Sharon Lafraniere and Jonathan Ansfield, "Crime crackdown adds to scandal surrounding former Chinese official", *New York Times*, 26 March 2012.

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[38] In the 2000 report to the Commission on Human Rights, the UN Special Rapporteur on Religious Intolerance Abdelfattah Amor stated in para. 26 that 35,000 Falun Gong practitioners had allegedly been arrested by mid-June 2000, with 84 of them being sent to prison and 5000 being sent to RTL camps. Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission

on Human Rights resolution 2000/33. E/CN.4/2001/63, 13 February 2001. In 2001 the Hong Kong-based Information Center for Human Rights and Democracy estimated that ten thousand Falun Gong practitioners had been sent to RTL camps, see "Nearly 500 Falungong Were Held at Just One Labour Camp: China, *Agence France Presse*, 18 January 2001.

[39] This estimate is based on interviews Amnesty International conducted from 2007 to the present with over 60 Falun Gong practitioners held in RTL camps and other forms of detention combined with information from other NGO and academic reports.

[40] Top directives have been issued by the State Council, the Ministry of Public Security, the Ministry of Civil Affairs, the Ministry of Personnel, the People's Supreme Court, the National People's Congress, with corresponding documents being issued at lower level Party and government units. See Amnesty International, *People's Republic of China: The Crackdown on Falun Gong and other so-called "heretical organizations*, (23 March 2000, Index: ASA 17/11/00), pp. 17-22.

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[43] See "Hongxia Township 2010-2013 Transformation-Through-Reeducation Assault and Consolidation Overall Battle Work Plan", issued by the Tianwen Town People's Government, Weng'an County, Qiannan Buyi & Miao Autonomous Prefecture, Guizhou province; reprinted on Weng'an County People's Government Web site, referenced in CECC, "Communist Party Calls for Increased Efforts to "Transform" Falun Gong Practitioners as Part of Three-Year Campaign".

[44] Amnesty International interview, 20 April 2012.

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[46] Amnesty International interview, 22 November 2011.

[47] Amnesty International interview, 20 April 2012.

[48] "A young couple's journey: Zhou Xiangyang's financee appeals seven years for his release", *Clearwisdom.net*, 26 June 2011, http://clearwisdom.net/html/articles/2011/6/26/126261.html, accessed 28 November 2013.

[49] Amnesty International, "Falun Gong woman risks extended term in RTL," (13 December 2012, Index: ASA 17/056/2012).

[50] Amnesty International interviews, November 2013.

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[54] Chinese Human Rights Defenders, "*Silencing Complaints: Human Rights Abuses Against Petitioners in China*," pp. 27-28.

[55] An article on the Shenzhen Public Security Bureau Web site outlines the range of behaviours and the punishments for these, see "Shenzhen: Engaging Multiple Times in Abnormal Petitioning or Being Subject to RTL", http://www.sz.gov/cn/cn/xxgk/bmdt/20091111_1226070.htm. For reference to this article and background on the issue, see CECC, "Shenzhen Authorities Issue Circular Outlining Punishments for "Abnormal Petitioning", 3 February 2010, http://www.cecc.gov/publications/commission-analysis/shenzhen-authorities-issue-circular-outlining-punishments-for, accessed 3 December 2013..

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[57] Du Bin, "*Above the Ghosts' Heads: The Women of Masanjia Labor Camp*".

[58] See for instance ICCPR, Article 8(3)(c)(i).

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