

General allegation

119th session (16–20 September 2019)

China

11. The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance in China.

12. In March 2018, the National Supervision Law (NSL) of China introduced the liuzhi detention system, which according to the sources, is a de facto system of enforced and involuntary disappearances. Sources report that the Central Commission for Discipline Inspection (CCDI) of the Chinese Communist Party (CCP) had used the shuanggui detention system for decades to hold suspects for up to six months without charge. The new National Supervision Commission (NSC) that was established at the National People's Congress in 2018 based on the National Supervision Law (NSL), allegedly now has the authority to investigate acts in violation of duties and economic crimes by state functionaries and party members. According to the information received, those crimes are now handed over to the NSC for investigation. The biggest change made in this process was that the NSC now has authority over, not only the CCP members, but also state employees and anyone working for an organization that manages public affairs or is involved in public affairs in any manner, which makes the direct target group to be 300,000,000 people.

13. The Working Group was informed that the NSC has the ability to detain people at a designated location called liuzhi. The liuzhi system detains people, for up to six months, at secret locations outside of any judicial facility, and with no external appeal system in place. The sources assert that, as it is not part of the judicial system, no right to legal counsel exists, and that detentions are carried out incommunicado, with the whereabouts of the detainees not announced nor shared. The Working Group was also informed that relatives of the detainees need not be told about their whereabouts, and that detainees have no right to access legal counsel. Sources also state that Article 44 of the NSL serves as ground for incommunicado detention allowing exceptions to notification duties. Furthermore, torture or ill-treatment in the form of solitary confinement, sleep deprivation, forced stress positions, beatings, and physical abuse are reportedly widespread in liuzhi.

14. The Working Group received information indicating that in Zhejiang province, some 266 people were placed into liuzhi for an 11-month period in a pilot project in 2017. The sources estimate that the figure on use of liuzhi for China as a whole is likely between 10,000 and 20,000 per year, possibly higher.

15. It is reported that six weeks after the NSC was written into law in 2018, the first known death under liuzhi was reported. It is also asserted that an average of 16 to 76 people are placed into the new liuzhi detention system and, thus disappeared every day. The sources argue that the NSC system and its use of enforced or involuntary disappearances through liuzhi is seemingly designed to deprive the suspects of protections within Chinese law.