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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by Japan Society for History Textbook, International Career Support Association, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Reject Unjustified Chinese Detention

In China, the Counter-espionage Law of China (hereinafter abbreviated as “Counter-espionage Law”) was promulgated and put into effect on November 1, 2014. The Counter-espionage Law was formulated for the purpose of cracking down on “espionage”. Since the enactment of this law, many foreigners, including Japanese, have been detained on bogus charges of espionage, tried and sentenced.

1. What is happening now

[Unjustified detention of Japanese]

After the enactment of the Counter-espionage Law, as many as 15 Japanese have been detained on suspicion of espionage since 2015 and eight were sentenced as of January 2021.(1)

The following university instructors/researchers have been detained:

- I. N., Professor at Hokkaido University

On September 3, 2019, Professor I.N. visited China at invitation of the Chinese Academy of Social Sciences and was detained while he was in Beijing. The Japanese government repeatedly demanded his release. He was freed on bail on November 15, when the Chinese claimed that I.N. “confessed to collecting, currently and in the past, a large amount of classified information,” which was a violation of the Counter-espionage Law and Criminal Law. The Chinese stated that I.N. was released because he confessed to the charges and agreed to take steps to express his repentance.

- Y.K., Former Professor at Hokkaido University of Education (A Chinese national with permanent residency in Japan)

Y.K. went back to China on May 25, 2019, to attend his mother’s funeral and was detained in Changchun on suspicion of espionage. He was initially not permitted to meet with either his family or lawyer. He was finally allowed to see his lawyer in 2021, when it was confirmed that he had no health problem. He was prosecuted for espionage in April 2021. The Chinese authorities explained that he “fully confessed to the charge and the evidence is conclusive” but Y.K. intends to fight the charges. (2)

2. Problems

These examples are but a fraction of Chinese detentions, allegedly due to “espionage”, which is an affront to basic human rights. The following summarizes the problems.

1) Unjustified Chinese detention

The Counter-espionage Law is an extremely obtuse law. The applicability as well as the criteria of “espionage” is extremely vague, which gives the authorities a free hand. In fact, under this law, the authorities act at will.

2) Inhumane treatment in Chinese detention facilities

Regarding treatment of prisoners in detention facilities, the following maltreatments have been reported:

- Prohibition of meetings with families and lawyers.
- Extremely filthy quarters and the food is also unpalatable and nutritionally insufficient.
- Insufficient medical care and illnesses that develop are treated with substandard medical care.
- Psychological distress caused by relentless questioning, leading to forced and false confessions.

- Brainwashing.
- A system of punishment wherein one is punished for showing a “poor attitude”.
- Solitary confinement as punishment.

3) Unfair Chinese trials

Systemic injustice can be found within the judicial system, such as:

- Vague charges by the prosecution.
- Cases are tried based on circumstantial evidence or hearsay testimonies. “Witnesses” are also coerced to provide testimonies.
- Confessions are coerced through intimidation or torture.
- Trials are closed to the public.
- Documentation regarding the judgment is difficult to obtain.
- Suspects’ pleas are unknown.

4) Chinese violation of academic freedom

It goes without saying that arbitrary arrest and detention of scholars and researchers are significant violations of academic freedom. The fear of arbitrary arrest, inhumane living conditions, unfair trials and sentences certainly prevent research that is potentially threatening to the Chinese authorities. Thus, scholars are deprived of their academic freedom.

3. Request to the Human Rights Council

We request that the Human Rights Council urge the Chinese and Japanese governments to implement the following:

[To the Chinese government]

i. End groundless detentions

The criteria and applicability of the suspicion that constitute the basis for detention must be made clear.

ii. Humane treatment in detention facilities

- Allow meetings with lawyers and families.
- Hygienic living environment and hygienic and qualitatively and quantitatively sufficient food must be provided.
- Sufficient medical care.
- End relentless questioning, indoctrination, and punishment for vague infractions.
- On-site inspection by the UN Human Rights Council for ensuring that the above are observed.

iii. Fair trials

- The defendant’s criminal charges must be clearly stated.
- Open trials.
- Judicial documents must be freely available.

[To the Japanese government]

- i. Request that all Japanese nationals unreasonably detained in China be protected by Chinese authorities.
- ii. Strong and effective measures will be taken if China fails to comply.

iii. Enacted a law that requires the Government to take measures for release of the Japanese nationals unreasonably detained in foreign countries.

iv. Through the Science Council of Japan, protest Chinese violations of academic freedom.

International Research Institute of Controversial Histories (iRICH), NGO(s) without consultative status, also share the views expressed in this statement.

1. (<https://bizspa.jp/post-404595/2021>)

2. (<https://globe.asahi.com/article/14357165>)