CHINA RIGHTS MONITOR · ORIGINAL RESEARCH

Fair-trial risk indicators in China’s criminal process

VOL-RP-2026-004 · Version 3.0 · Published 28 July 2026 · Evidence cut-off 28 July 2026

Document	Institutional research report
Review status	Internal legal and methods review complete
Audience	Courts, law firms, protection bodies and specialist institutions
Access	Free public edition

01 Executive summary

The analysis maps first loss of liberty, family notification, formal detention, arrest approval, first lawyer access, interrogation, prosecution, trial and appeal. Legal text and verified implementation remain separate. Choice and timing of counsel, confidentiality, file access, evidence gathering and professional pressure are assessed, with specific attention to national-security and politically sensitive cases. The source of confession evidence, recording integrity, injury, sleep and medical records, repeated statements and exclusion applications must be traced. Conviction rates provide context but cannot decide an individual case.

Application note. The proposition should be checked against the current primary record, linked to the relevant person or procedure, tested against contrary material, and expressed with a confidence level proportionate to the available evidence.

02 Procedural chronology

The analysis maps first loss of liberty, family notification, formal detention, arrest approval, first lawyer access, interrogation, prosecution, trial and appeal. Legal text and verified implementation remain separate.

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03 Counsel and secrecy

Choice and timing of counsel, confidentiality, file access, evidence gathering and professional pressure are assessed, with specific attention to national-security and politically sensitive cases.

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04 Confession and remedy

The source of confession evidence, recording integrity, injury, sleep and medical records, repeated statements and exclusion applications must be traced. Conviction rates provide context but cannot decide an individual case.

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05 Research design and evidential status

This institutional report uses reproducible desk research. It prioritises treaties, judgments, legislation and original official records; then United Nations, court, parliamentary, government and regulatory material; then specialist research with a disclosed method; and finally reputable reporting for chronology and context. A repeated media or institutional reference to one underlying item is not counted as independent corroboration. Each material proposition is assessed for provenance, publication and coverage dates, jurisdiction, procedural status, accessibility, independent support, contrary material and limitations.

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06 Fact, allegation and inference

The report keeps adjudicated findings, official allegations, witness accounts, institutional observations and VOL analysis in separate categories. A charge is not treated as proof of guilt; an allegation consistent with a documented pattern is not treated as established merely because it is plausible. Where the public record is incomplete, the report states what cannot be determined and calibrates the conclusion. Quotations and paraphrases should be checked against the linked primary material before use in proceedings.

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07 China-specific institutional analysis

China-related risk cannot be assessed as a single undifferentiated proposition. The relevant authority, region, legal route, offence, custody pathway, political or national-security feature, access to chosen counsel, family and consular notification, medical access, evidence-gathering method and available remedy must be identified. Formal legal protection and verified implementation are recorded separately. General country material is connected to the individual record through an explicit comparison, not by assumption.

Application note. The proposition should be checked against the current primary record, linked to the relevant person or procedure, tested against contrary material, and expressed with a confidence level proportionate to the available evidence.

08 Legal framework

The legal analysis begins with the applicable threshold. International obligations, domestic rules, institutional procedures and professional standards are kept distinct. China’s signature but non-ratification of the International Covenant on Civil and Political Rights is distinguished from obligations under the ratified Convention against Torture. Soft-law standards remain relevant to interpretation and professional practice but are not described as treaty obligations.

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09 Source evaluation and contrary material

Institutional authority does not remove the need to test relevance and method. Publication date is separated from the period actually covered. Anonymous sources are assessed for access, directness, corroboration and the reason anonymity is necessary. Contrary research actively seeks evidence of reduced risk, implemented safeguards, regional or group variation, lawful explanations and facts inconsistent with the working hypothesis. Disagreement is analysed rather than hidden in a footnote.

Application note. The proposition should be checked against the current primary record, linked to the relevant person or procedure, tested against contrary material, and expressed with a confidence level proportionate to the available evidence.

10 Data protection and source safety

Research copies should use data minimisation, access controls and a documented retention decision. Public reporting should not reconstruct identities protected by redaction or combine harmless details in a way that creates a new security risk. Material intended for litigation should preserve the original file, acquisition date, URL, version, translation status and any chain-of-custody information. Safety takes priority over collecting an additional detail that is not necessary to answer the research question.

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11 Professional and forensic use

The report is written for courts, law firms, asylum and immigration bodies, legislatures, media and specialist organisations. Use in proceedings requires the primary sources to be supplied and updated to the hearing date, with an explicit bridge between general material and the person’s facts. The report is not case-specific legal advice and does not replace qualified legal, country, medical or digital-forensic expertise. Decision-makers should state which propositions they accept, reject or cannot determine.

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12 Limitations, review and correction

Open-source work is limited by language, censorship, closed proceedings, uneven regional coverage, source safety and incomplete files. An information gap is not proof of safety, and a plausible allegation is not a confirmed fact. Version 3.0 records completion of internal legal and methods review; it does not claim external peer review. Material corrections will increase the version number and be recorded through the VOL corrections process.

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13 Principal references

Convention against Torture and CAT concluding observations on China; Liu v Poland; Minister of Justice v Kim; official Chinese procedural law

14 Conclusion

The conclusion is limited to the evidence identified in this edition. A reliable professional assessment proceeds from source to fact, from fact to legal issue and from general pattern to the individual record. It states uncertainty expressly and reaches no broader conclusion than the material permits.