

Human Rights Centre Clinic

International Accountability for Incommunicado Detention in China

Partner: [International Service for Human Rights \(ISHR\)](#)

About

The International Service for Human Rights (ISHR) is an international non-governmental organisation that works to promote and protect human rights by supporting human rights defenders and strengthening human rights standards and systems. ISHR collaborates with UN mechanisms, regional human rights bodies, and civil society organisations to advocate for stronger protections for human rights defenders.

Project overview

This project will examine the status and use of Residential Surveillance at a Designated Location (RSDL) in China under international law. RSDL is a form of incommunicado detention that has been widely condemned as a form of enforced disappearance, arbitrary detention and torture. The research will focus on determining whether the use of RSDL meets the threshold for crimes against humanity and the legal avenues for international accountability.

Background

China introduced RSDL in its Criminal Procedure Law's Article 73 in 2012 (now falls under Article 75 of the Law's 2018 revision). Under the practice, authorities can detain individuals for up to six months in undisclosed locations without trial, access to legal representation, or contact with their families. The locations used for RSDL include secret facilities such as restaurant and hotel basements, rather than official detention centres.

Since its implementation, RSDL has been used extensively against human rights lawyers, activists and dissidents. According to data in a [submission](#) by ISHR and Safeguard Defenders to the Committee on Enforced Disappearances and the UN Working Group on Enforced or Involuntary Disappearances, between 53,000 and 90,000 individuals were subjected to RSDL between 2013 and 2022. UN Special

Procedures experts have also built a growing body of analysis, concluding that RSDL is a form of enforced disappearance, arbitrary detention, and may amount to torture in and of itself.

This project will contribute to ISHR's advocacy efforts by providing a detailed legal analysis of RSDL under international human rights law, supporting submissions to UN experts, and identifying avenues for international accountability.

Project output

ISHR will work with a project team from the Essex Human Rights Centre Clinic to produce a report (totalling approximately 10,000-12,000 words) that will:

- Assess whether RSDL meets the threshold for crimes against humanity, focusing on its widespread and systematic application;
- Compare RSDL to past cases prosecuted in international courts, or in national courts or tribunals exercising universal jurisdiction, to assess legal precedents that may inform possible legal challenges to RSDL;
- Identify strategic recommendations for advocacy before the UN and other international mechanisms, including avenues for international accountability, whether in international courts or bodies or in national courts or tribunals exercising universal jurisdiction.

The team will submit a 1,000-2,000 word blog in May 2026, to be posted on the websites of ISHR and the Essex Human Rights Centre blog.

The report will support ISHR's ongoing advocacy in challenging RSDL. This could be a private or public document to be shared with UN human rights experts. ISHR would also develop an article based on the report to be published on its website.

Timeline

Phase 1: November – December 2025:

- Online briefing with ISHR, introductions between the teams at Essex and ISHR;
- Understanding the project scope and legal framework;
- Identification of key legal sources, including UN documents;
- Submission of research outline to ISHR for review.

Phase 2: January – March 2026:

- Legal research and data collection, including analysis of past UN statements and reports, as well as research on accountability for comparable crimes under international law or in national courts or tribunals.
- Drafting of legal analysis.
- Identification of avenues for international accountability.
- Submission of first full draft to ISHR for feedback.

Phase 3: April – June 2026:

- Final revisions incorporating feedback from ISHR.
- Presentation of findings to ISHR.
- Blog for the ISHR and Essex Human Rights Centre blog websites about the main findings of the project;
- Sharing of the findings with selected UN experts, including UN Special Procedures and Treaty Bodies experts.

Initial reading

1. Analysis of RSDL by Chinese lawyers: <https://ishr.ch/latest-updates/rsdl-chinese-lawyers-perspective/>
2. ISHR briefing paper on UN Expert Documentation of RSDL: <https://ishr.ch/defenders-toolbox/resources/briefing-paper-un-experts-documentation-of-residential-surveillance-at-a-designated-location-rsdl-in-china/>
3. ISHR campaign page on RSDL: <https://ishr.ch/campaign/23654/>
4. Safeguard Defenders Report “Locked Up: Inside China’s Secret RSDL Jails”: <https://safeguarddefenders.com/sites/default/files/pdf/Locked%20Up%20%28High%20Res%20v%20ersion%29.pdf>
5. Yu-Jie Chen and Jerome A Cohen, ‘Freedom from Arbitrary Detention in Asia: Lessons from China, Taiwan and Hong Kong’ in David Law, Holning Lau and Alex Schwartz (eds), Oxford Handbook of Constitutional Law in Asia (Oxford University Press 2023).
6. Yu-Jie Chen, ‘Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses’ in Taiwan Foundation for Democracy (ed), China Human Rights Report 2020 (Taiwan Foundation for Democracy 2021) 89.

7. Yu-Jie Chen, 'Human Rights in the Chinese Administration of Justice: Institutionalized Human Rights Abuses Heighten Global Concerns' in Taiwan Foundation for Democracy (ed), China Human Rights Report 2019 (Taiwan Foundation for Democracy 2020) 83.

8. Michael Caster, 'Systematising Human Rights Violations: Coercive Custody and Institutionalised Disappearances in China' (2019) 4(3) Made in China Journal 76
<https://madeinchinajournal.com/2019/10/25/systematising-human-rights-violations/>.