

Fairness and Privacy complaint

China Central Television channel 4 (CCTV-4)

This complaint is filed by the victim of the broadcast, Swedish citizen Peter Dahlin, on 2019-01-07. The complainant accepts communication concerning this complaint by email.

Peter Dahlin

Background to complaint

This complaint concerns China Central Television (CCTV) Channel 4, a Chinese-language channel broadcasting in some 121 or more countries around the world, and in the United Kingdom under CCTV's license CCTV (DTAS100508BA/15)¹.

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In mid-January 2016, after having spent a few weeks incommunicado, in a secret prison facility in China, in solitary confinement, I was asked by agents of China's Ministry of State Security, to record a video. I was at this time, along with several coworkers and even my girlfriend, being kept under what is called 'residential surveillance at a designated location' (RSDL for short). This system allows for solitary confinement, incommunicado detention for half a year, and has been classified by the United Nations as a tool for 'Enforced Disappearances'. By law, victims are kept outside the normal facilities of the judicial system, in what amounts to custom-built prisons that are not allowed to be called prisons, and where all victims must be kept in solitary confinement in anti-suicide-padded cells.

I was told, for the judicial system to decide on whether to prosecute me, for having worked with legal aid and rule of law issues in China, or to deport me under diplomatic pretext, that they needed me to record a video, one that would show their higher ups that I was repentant and accepted my wrongdoings. Not doing so would have kept my girlfriend in solitary confinement for up to half a year. Recently, it has become well known how police and Chinese CCTV collaborate in making "Forced TV Confessions", always before trial, but back then it was less well known. I, like many victims who have later spoken out, was never told or informed, that this was to be a public TV recording, but that it was for internal use only. Even when CCTV staff has been involved in making these, police would, as victim has testified this year, been told it is merely for higher production value.

I was given a paper with prepared questions and answers, and told to memorize it. I was told to change to my civilian clothing and to shower. Later that day, I was hauled to another room inside the same secret prison facility. There, almost a dozen agents from state security filled the room, along with a cameraman from CCTV, CCTV camera equipment, and a CCTV journalist.

¹ <http://static.ofcom.org.uk/static/radiolicensing/html/tv/cs/dtas100508ba15cctv.htm>

As has been widely reported, and therefore I will not go into details here, the journalist was given a paper with questions to ask me. I was then told to reply with the memorized answers. In between takes, agents would direct re-takes, instructing me to change posture, change answers, change tone. My paper with the questions and answers visible to the journalist sitting opposite.

Being kept incommunicado, I was not aware of this being released on CCTV13, China's main news channel, on primetime, and aired across China. Again, I was never told this was for public use or TV or anything similar. Later seeing the broadcast, after having been deported, I could also see two other coworkers, who had been kept in same facility, also having recorded such confessions. CCTV had then taken them all, edited them, added significant graphics and post-production, and broadcast it. I had not been tried, nor even arrested.

Due to the recent work by Safeguard Defenders and their reporting (I am a member of that NGO) and exposure of this use of Forced TV Confessions against critics, and especially following revelations this month, December 2018, by a Swedish journalist, of how these have then been broadcast outside of China, including in the UK, it has now become known that my "confession" was broadcast, by CCTV4, in the United Kingdom.

Basis for complaint

-- Violations of the Broadcasting Code --

The production of, and the airing of, violates a significant part of the privacy and fairness provisions in the *Broadcasting Code*. Key among these violations are;

CORE: No consent.

I was never told it was for TV or public use, and could therefore impossible consent. Even if so, it was made against my wishes with my girlfriend being kept hostage, and with threats against my own life.

Derogatory. The postproduction added, without my knowledge, abusive and derogatory material, and accusations presented as facts. (article 3.3)

Impartiality. CCTV staff would be well aware of my situation, witnessing how the recording was produced, yet did not in any way or form include that in the broadcast. (article 5.1)

Corrections not made. Despite my vocal denouncement of this treatment and broadcast, including in Chinese language media, CCTV has made no attempts to issue a correction. (article 5.2)

Lack of partiality. At no point is the true role of the CCTV staff shown in the broadcast. (article 5.8)

Unfair treatment. Broadcast presents me as a willing participant, despite knowing it not to be so. (article 7.1)

Fairness to contributors. Broadcast presents me as a willing participant, despite knowing it not to be so. I was kept incommunicado, without access to lawyer, in solitary confinement by what is by definition a secret prison. The scripted nature was clear to CCTV staff. Additional accusations added in post-production presented as facts without any trial having been held to convict me. (article 7.2)

Concerning article 7.3, CCTV is in breach of many different points, as presented above. I was intentionally not told the true nature of the recording or its purpose, was not informed of other (forced) contributors (my coworkers), and was not told of changes made from my "confession" and the finished production.

Editing. I was not told about the editing undertaken, and the many parts added in post-production, and allegations were presented as facts. (article 7.6)

Checking that material is correct. CCTV staff has not taken reasonable care to check that material to be presented was unfair, or that selection of material to present was factual. (article 7.9)

Chance of contributor to respond. I was not informed at any point of the allegation presented against me in the TV broadcast, was never given a chance to see it (I was even unaware it has been shown on TV), and certainly never given a chance to respond to any such allegations. (article 7.11)

Privacy infringement. The broadcast severely infringed on my privacy, presenting falsehoods to a viewership in the hundreds of millions. No consent given in any way, nor could it ever, as I was never informed this was for TV, and even if so, was kept under duress and could not legally give or not give consent of any form. (article 8.6)

No broadcast of thus suffering emergency or tragedy. It was not warranted for CCTV to broadcast this "confession" as I had not been convicted of it, it also severely infringed on my privacy, and no consent was given. (article 8.16)

Not use recordings of people in distress. I was kept incommunicado, in solitary confinement, as a secret location. CCTV staff was aware of the scripted nature of the recording. It was by very definition a situation of great distress. (article 8.17)

-- Violations of the Human Rights Act --

CCTV has violated paragraph 6 of the Human Rights Act, in being directly responsible for denying me the possibility of a fair trial.

CCTV is responsible for severe violations of my privacy, as defined in article 8.

Standards Breach

Throughout the broadcast the newscast, and the newscaster, presents what are merely accusations against Peter Dahlin as facts. This is done despite the then widely known fact that Peter was being investigated, and that no arrest had been made of him, and certainly no trial or conviction of him been made. Thus, CCTV intentionally distorted the fact.

All statements made by myself **was known by CCTV to be made under duress**. The videographer and the journalist both were aware that I was kept in a facility for investigation, and **were aware that my answers were pre-determined**, and was being read from a piece of paper that both CCTV staff saw. Both also asked questions supplied, on paper, by the security agents. They are also aware that those security agents guide and directed the whole recording, being present in the room. They instructed on tone of voice, posture as well as on re-takes as well as updated questions and answers.

Despite the presence of a large number of security agents in the room making the “confession” video, and the fact that it was made inside a prison-type facility, **is hidden** in CCTVs filming of the “confession” as well as in the newscast.

The newscast begins by stating that security forces have successfully cracked down on an organization that was **engaging** in activities **threatening** national security. The organization, and its director Peter Dahlin, were merely under investigation. The broadcast convicted him in public of this accusation despite no arrest nor trial of him.

The newscast falsely states that Peter’s work and his group **operated under instruction from a foreign, non-specified, institution** (they mean National Endowment for Democracy). This is false, and this statement is known by security personnel involved to be false. This statement, nor nothing similar, was not made by me to CCTV. Any understanding, even basic one, would know this to be false, because grant makers do not direct their grantees.

The **newscast includes statements against me that could not be verified by CCTV**. Those are statements from two co-workers. Neither of these were interviewed by CCTV, and those videos were made by the Ministry of State Security while both were kept incommunicado. CCTV had no access to either persons, and thus had no way to verify such statement from them, yet nonetheless included them in the broadcast to further add defamatory statements. These statements include that I intentionally collected negative or damaging information about developments in China, and that I would distort and exaggerate them, and even fabricate such information. It also said my work sought to intensify disputes inside China.

The newscast, voiced by one of these forced statements from a detained co-worker, but also by the newscaster/narration, states, as a fact, that we, in collusion with overseas forces, planned and helped smuggling someone across China’s border into Burma. **This is false, the security services knows that it is false, and CCTV did not ask about it in the interview, but issued it as a statement of fact nonetheless.**

The newscast **directly lies when it then states that I confessed to the above accusations**. I did not, and no video of me exist where I confess to any involvement in this smuggling. The newscast also says that I admitted that any report made “did not reflect the true situation”. **This is false, and no such admission was made, nor does it exist**. This is a false statement, and CCTV interviewer did not ask about this, yet included this as a statement by newscaster in the broadcast.

In addition, I was **forced to use the word “criminal” against two people**. I made it clear, repeatedly, that neither of those had been tried and convicted of any crimes, therefore by definition are not criminals, but MSS agents refused to change it. CCTV staff were aware that neither of them had been convicted, nor even been arrested. Despite that, they intentionally included this forced statement from me in the newscast, as an act of intentional distortion.

Finally, the newscast states that I said that we would pay professional lawyers to launch lawsuits against the government. **I did not say that, and it is false**. Professional lawyers provide criminal representation for those facing criminal prosecution. This is not in any way related to lawsuits against the government. CCTV did not ask about this, yet presented it, in newscaster/narrators voice, as having been admitted and said by me. This is both a direct lie and an intentional distortion.

The newscast ends with stating that I had been placed in “residential surveillance”. **This is false, and knowingly false by CCTV**. I had been placed into “residential surveillance at a designated location”, a very different situation, and me being held in a MSS run facility would make it clear to CCTV staff as they visited to interview me.

Further information

Safeguard Defenders, the human rights NGO, has released an exhaustive report on the use of forced TV confessions in China, *Scripted and Staged*, available as pdf here: <https://rsdlmonitor.com/new-report-offers-backstage-pass-to-chinas-forced-tv-confessions/>

The same NGO has also, with help from Swedish journalist Kurdo Baksi, been able to reveal, just this December, the true scope of broadcasting of these Forced TV Confessions in the UK, and this database can be accessed here: <https://rsdlmonitor.com/revelations-cctvs-use-forced-tv-confessions/>

Much more information, and a long list of victims’ testimonies, can be requested from Safeguard Defenders at info@safeguarddefenders.com.

-- Time of filing complaint --

This complaint is being filed after the 20 day normal reporting period. The broadcast of this, my own, TV “confession”, and the vast scope of broadcast of many others, in the UK, was unknown until exposed in December 2018. It seems to have been unknown and gone unnoticed by Ofcom as well.

Now that this have been exposed, this complaint is being filed, requesting a waiver to the time limitation, as allowed for in the procedures of Privacy and Fairness complaints, and as has been given in nearly identical situation before, with the first known precedent being the filing against Iran's *Press TV* for engaging in identical behaviour as CCTV, in the case of Iranian-Canadian journalist Mazair Bahari².

-- The Broadcast --

The broadcast was made by CCTV4, 2016-01-20, starting at 21:37:32 local China time (GMT+8) on the program “中文国际” (Zhong Wen Guo Ji, in English: Chinese International). The video is available for viewing on CCTV's specialized web-viewing platform CNTV here: <http://news.cntv.cn/2016/01/20/VIDEiPEjHu2jkZlrIiYtTQlj160120.shtml>

² Ofcom decision BSC 68(11) https://www.ofcom.org.uk/_data/assets/pdf_file/0032/52997/press-tv.pdf