

CCTV/CGTN Response to CRTC Complaint

A. Introduction and Overview

1. CCTV-4 and CGTN (together the "Channels") are writing to respond to the December 16, 2019 complaint (the "Complaint") by Safeguard Defenders ("Complainant" or "SGD"). The Channels' position is set forth below, and is supplemented by the specific response to each of the fifty-nine (59) allegations identified in the Complaint, in **Appendix A**.
2. By way of overview and executive summary, the Channels note that:
 - (a) The Channels provide an important service to a significant number of Canadians, involving diverse content that includes but is not limited to news reporting, cultural and entertainment programs. The availability of the Channels is important to Canadians including Chinese Canadians and others interested in Chinese content, and thus supports and enables Canadian broadcasting objectives, including the goal of diversity, as set forth in the *Broadcasting Act* (Canada).
 - (b) The CRTC will know and recognize that different countries have different legal systems, and that the promotion and delivery of diverse, multicultural content can only be achieved while recognizing that global reality, and accommodating that context. That SGD is critical of some aspects of China's legal system should not support the censuring of the Channels' accurate reporting on events occurring within that legal system.
 - (c) The role and responsibility of news reporting is to report the news, regardless of whether some find fault in the underlying events, and regardless of whether circumstances surrounding those events later change. Those reporting the news do not control the news, nor is there any evidence of such here. That is why news reporting services are afforded special protections as matter of law and policy, even where a report is later determined to be incomplete or inaccurate.
 - (d) The Channels' reporting is accurate. The fact that the individuals referenced in the Complaint had made certain admissions was true, and was newsworthy. The public had a genuine interest in those events. When the Channels reported on the admissions, they had no reason to believe that such admissions would later be qualified or withdrawn.



- (e) The Channels have not broadcast "abusive comment" or engaged in reporting that runs afoul of Canadian broadcasting policy. To hold otherwise would entail dramatically broadening the CRTC's own definition of "abusive comment," as to preclude accurate reporting on news events where some assert that the underlying events themselves (vs. the reporting) are objectionable.
- (f) The Channels are not involved in the events on which they report. Like news reporting services everywhere, they report on events as they happen, including legal issues. The Channels deny the allegation that their employees are participants in the admissions described by SGD. Not surprisingly, there is no evidence of their participation.
- (g) The Complainant has failed to present any credible evidence of intentional reporting bias or an institutional mandate to falsely state facts or mislead or misinform viewers. The Channels are simply reporting the news in a manner that is appropriate for a broadcasting undertaking operating in China, and in a manner consistent with Canadian law and policy.
- (h) The Complainant is biased and using its allegations to support a narrative that is false and misleading vis-à-vis the Channels. The Complainant is admittedly trying to gain "leverage" and "put pressure" on China via this Complaint, and is trying to use the CRTC to further its agenda. The CRTC should not censure news reporting in furtherance of SGD's agenda or objectives.
- (i) The Complaint is over 2 years old, and SGD has publicly acknowledged that the alleged activities it complains about stopped several years ago. There is thus nothing to be gained by taking any remedial action. The harm associated with any remedial action thus outweighs any benefit.

B. China & the Channels

3. The People's Republic of China is one of the world's largest countries, with a population of over 1.4 billion people. Understandably, what is happening in China is very important to many Canadians. Approximately 5.1% of Canada's population (1.8 million people) identify as Chinese, and the vast majority of those people (72%) were born outside Canada. Mandarin is the third most common language spoken by Canadians, after English and French. China is the world's second largest economy and Canada's second most important bilateral commercial trading partner. Since its ascension into the World Trade Organization (WTO) in 2001, Canada's trade with China has grown faster than Canada's trade with any other principal trading partner.



Privileged & Confidential

4. China is a country that operates under the rule of law. Judges exercise judicial power independently, which is enshrined in article 131 of the *Constitution of the People's Republic of China* and in the *Judges Law of the People's Republic of China*. Judges perform their duties in accordance with the law and are protected under the law. They are not subject to interference from administrative bodies, social groups, or the media. Judges apply substantive and procedural laws to handle cases.
5. China's *Public Security Administration Punishments Law* ensures that police and other public security officials operate in accordance with the law, and illegal acts are punishable by administrative penalties against those involved. Extorting confessions by torture or comparable means is strictly prohibited and against the law in China.
6. It is not accurate or appropriate for SGD to suggest or allege that police reports, judicial orders, or other official documents are inherently untrustworthy, and the CRTC should not accept those serious accusations in the absence of clear and convincing evidence. As discussed elsewhere, SGD's evidence is wholly inadequate to support any finding of wrongdoing on the Channels' behalf and to support any remedial measures.
7. CCTV is comprised of a network of 50 channels broadcasting a variety of programs, and accessible to over 1.5 billion viewers in six different languages across more than 100 countries and regions. Its programs are a mixture of news, sports, documentary, education, comedy, entertainment, and drama, the majority of which consists of Chinese soap operas and entertainment. In addition, CCTV-4 provides news reporting, which comprises a portion (approximately 22%) of the overall broadcast content.
8. CCTV-4 news broadcasts focus on the reflection of diversity. The content involves reporting the news from official authorities and interviewing domestic and overseas experts, scholars and journalists, which enrich the content and diversifies the news programs. For example, in the feature film series "Asian Media China Overlook", which was broadcast from October 13 to 16, 2017, CCTV and foreign media groups jointly interviewed well-known presenters and reporters from diverse foreign media outlets from nine countries who were invited to participate in the film series, including Japan TBS, India Zee news, Lao National Television, Pakistan Television, Philippine ABS-CBN, Nepal National Television, Cambodian CNC and Vietnam Plus. By providing on-site observations, in-person experiences, and conducting special interviews, the feature film series tells Chinese stories from the perspectives of foreign media, focusing on the transformation from "made in China" to "intelligent manufacturing in China".
9. CGTN is an English language channel that is currently accessible in 145 countries and regions. CGTN aims to provide global audiences with accurate and timely news coverage as well as rich audiovisual services, promoting communication



and understanding between China and the world, and enhancing cultural exchanges and mutual trust between China and other countries.

10. CGTN's coverage has attracted international recognition and awards, including for content in various categories outside of the news format. In 2021 alone, the following CGTN programs were recognized with international awards for covering newsworthy stories in a quality manner:

Title	Award	Date
Changing Guatemala's Indigenous Women Lives Through Business Education	The Telly Award	2021
Running Water: COVID-19 in Africa	The Telly Award	2021
Emerging: 24 hours in Europe	New York Festivals TV & Film Awards	2021
State of emergency: 24 hours in New York	New York Festivals TV & Film Awards	2021
24 hours in Wuhan: epicenter, quarantine & recovery	New York Festivals TV & Film Awards	2021
Our Plastic World 1 & 2	The first ABU/UNESCO Together for Peace Media Award	2021

11. Since much of the content broadcast on the Channels, which includes news reports, is only available via the Channels, Canadians would be deprived of this diverse and important content if the CRTC de-listed the services.
12. Regarding news coverage, the Channels do not make or control the news; rather, they report on the news. In some instances, that involves reporting on events that could be viewed as controversial by some. Nonetheless, these events are newsworthy, and the Channels are obliged to bring them to the attention of its viewers to best serve the public interest of its global audience. This can include reporting on the sort of events addressed in the Complaint, whether popular or unpopular.
13. The Channels do not provide a monolithic view of events in its news reporting, as alleged. As noted above, CCTV has solicited and presented diverse views on a myriad of topics. SGD ignores this reality, seemingly because it does not advance its objectives and agenda.



Privileged & Confidential

14. CGTN strictly adheres to the highest ethical standards for broadcasting, as expressly set out in the CGTN Broadcast Handbook (2021), its internal ethical handbook for internal compliance, which has been recently updated to strengthen compliance and enhance internal training programs.
15. When the CRTC approved the CCTV-4 service in 2006 (the "Initial Decision"),¹ it was in furtherance of providing Canadians with a diversity of views and multicultural programming from foreign sources. The availability of these services has substantially enabled these objectives.
16. The CRTC agreed in the Initial Decision that the approved services satisfied the criteria for improving the diversity of third-language television services. The CRTC noted that all nine services were represented internationally by China International Television Corporation (CITVC), a wholly-owned subsidiary of China Central Television (CCTV). Thus the ownership structure of the relevant services was known and accepted.
17. Canadians were keen to access these services. A large majority who filed comments in response to Public Notice 2005-124 were supportive. Those supporting the addition of these services noted that it was extremely important to have full access in Canada to television channels from China, to give Mandarin and Cantonese-speaking Canadians the same cultural and social opportunities that Chinese communities have in other countries around the world. There is no evidence that public opinion has changed.
18. In its earlier submissions relating to the Initial Decision, Rogers Cable Communications Inc. ("Rogers") observed that the opposing parties focused on the news broadcast on CCTV-4 and the program Focus Report in particular, but also noted that the average weekly amount of news programming on CCTV-4 was only about 13% of the overall programming schedule of the nine services taken together. CITVC confirmed these figures. Rogers submitted that the Commission, in reviewing the "evidence" filed by the opposing parties, should keep in perspective the amount of programming to which the initial complaints related and the dates when the programs were aired. The same holds true here, as discussed further below.

¹ In December 2006, the CRTC approved a request to add nine non-Canadian, Chinese-language, general interest services (including CCTV-4) to the revised list of non-Canadian programming services authorized for distribution on a digital basis (the digital lists) and amended the lists of eligible satellite services (Broadcasting Public Notice CRTC 2006-166). The services were CCTV-4, The Satellite Channel of Southern Television Guangdong, Southeast TV Station, Jiangsu International TV Channel, Beijing TV, CCTV Entertainment Channel, Dragon TV, China Yellow River Television Station and Hunan Satellite TV (the "Chinese Great Wall TV Package").



Privileged & Confidential

19. In the Initial Decision, the CRTC rightly noted that its mandate and responsibility are to consider issues that relate directly to the sponsored services themselves, rather than the policies, alleged or not, of the government of the PRC. Here, SGD is asking the CRTC to assess the policies and practices of the PRC, viewed through the subjective lens of SGD's agenda.
20. The CRTC held in its Initial Decision that, since requests for the addition of non-Canadian, third-language, general interest services to the digital lists would generally be approved, it is incumbent on anyone seeking denial to make a "persuasive case" for denial. SGD makes no persuasive case here, and relies almost entirely on speculation and unreliable hearsay evidence. In the absence of clear evidence, there can be no persuasive case.
21. The CRTC addressed concerns regarding CCTV-4 in its Initial Decision. It held that Canadian licensees, by regulation, are prohibited from broadcasting any "abusive comment" or abusive pictorial representation that, when taken in context, tends or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability (the same language as used in the Al Jazeera decision (Broadcasting Decision CRTC 2015-146) ("AJA")). The CRTC said that, while the prohibition does not itself apply directly to non-Canadian programming services, the underlying policy objectives apply with respect to all programming broadcast in Canada.
22. While the Commission found isolated instances of CCTV-4 content broadcast in the past that in its view were abusive comment, the CRTC was unable to conclude that the offending stories were typical of the content aired on CCTV-4. The same holds true here as it relates to the diversity of content broadcast by the Channels. Moreover, in the present case, the Complaint is not directed to "abusive comment" as defined by the CRTC, as discussed below.

C. CRTC Policy & Objectives

23. The Channels support the CRTC's Policy & Objectives, and SGD's misguided and misleading allegations should be assessed (and rejected) in the broader context of the benefits and value delivered by the Channels.
24. The CRTC is committed to providing Canadians with foreign content, including foreign news reporting. As noted in Public Notice 2004-96, requests to add non-Canadian, third-language, general interest services to the digital lists are generally approved. That notice described a general interest service as ... "one that, unlike a niche service, offers programming from a broad spectrum of program genres and categories." The Channels qualified and still qualify as "general interest services."



25. As noted in the 2015 AJA decision, ensuring a diversity of programming sources figures heavily among the objectives of Canadian broadcasting policy, as laid out in the *Broadcasting Act* ("Act"). Section 3(1)(i) of the Act states that the Canadian broadcasting system should provide programming that is "varied and comprehensive" and "drawn from local, regional, national, and international sources." Notably, programming must also "provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern." In other words, diversity of opinions about international events is not prohibited; indeed, it is encouraged.
26. In the AJA decision, the CRTC noted that it had adopted an open-entry approach to non-Canadian news services, citing the importance of a diversity of sources and points of view in news services available to Canadians. On this point, in Broadcasting Public Notice 2008-100, the CRTC stated that absent clear evidence that a non-Canadian news service will violate Canadian regulations, the Commission will be predisposed to authorize non-Canadian news services for distribution in Canada. There is no "clear evidence" whatsoever of any violation in this Complaint, as explained below and in Appendix A.
27. As the CRTC noted in AJA, a prohibition on the broadcast of certain content is a restriction on the freedom of expression of broadcasters, which can only be justified in limited circumstances. There is no justification for restricting any expression here.
28. The CRTC defined in AJA what constitutes "abusive comment," and said that on-air comments would violate the regulations when they are abusive, and taken in context, tend or are likely to expose an individual, or a group or class of individuals, to hatred or contempt, **and** the comments are based on an individual's race, national or ethnic origin, colour, religion, sex, sexual orientation, age, or mental or physical disability.
29. None of the alleged and dated "comments" here relate to these protected categories, and the definition of "abusive comment" does not include comments (even disagreeable comments) about political or legal issues. If that were the case, Canadians would not have access to a diversity of information and opinion about newsworthy events.
30. The CRTC should not broaden its definition of "abusive comment" as to include foreign reporting on events akin to those alleged or described in the Complaint, particularly in response to SGD's weak and unreliable "evidence." Should it do so, it would be setting a dangerous precedent whereby it would be assuming a gatekeeper censorship role, precluding Canadians from having access to accurate foreign news reporting. This would hold the Channels to a dramatically higher standard of news reporting than domestic Canadian news reporting services, insofar as they would be censured for reporting on actual

events in a manner which some may not agree with or which does not represent popular views or opinions.

D. Freedom of the Press & the Role of News Reporting

31. The Channels' news services do what foreign and domestic news services do: report on newsworthy events. This includes reporting on legal issues and events, including where an individual is detained and/or makes an admission of wrongdoing. As explained below, news reporting services are afforded very relevant protections in providing their important services, including the protections of section 2(b) of Canada's *Charter of Rights and Freedoms*. The Channels should be afforded the same protections.

32. In *Canadian Broadcasting Corp. v. Lessard*,² the Supreme Court of Canada noted that freedom of the press is vital to a free society and comprises the right to disseminate news, information and beliefs. Madam Justice McLachlin held that:

At a minimum, freedom of the press means that news reporting should not be subject to the limiting views of a particular constituency, or constrained by the popularity or unpopularity of the events being reported.

33. Justice McLachlin's views are particularly relevant here, where SGD clearly constitutes a particular constituency, and in its Complaint takes issue with reporting on events it characterizes as improper/unpopular. The fact remains that the events occurred, and the Channels are entitled to report on their occurrence.

34. As discussed in *Canadian Broadcasting Corp. v. New Brunswick*, which discussed public access to information about judicial proceedings, the press plays an "integral role" in informing the public, and thus enabling discourse about the institutions of government, their policies and their practices. As noted in paragraph 23 of that decision, the dissemination of such information by the press permits the public to discuss and put forward opinions and criticisms of court practices and proceedings.³ By way of obvious analogy, the same applies to information about legal proceedings more broadly.

35. In *Edmonton J. v. Alberta*,⁴ the Supreme Court of Canada noted that the public has a right to know what is taking place within the legal system, and that the press plays an important role in facilitating the dissemination of that information. In their decision, Justices Dixon, Lamer and Cory held that this freedom of expression is of sufficiently fundamental importance to society that it

² 1991 CanLII 49 (SCC), [1991] 3 SCR 421

³ *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, 1996 CanLII 184 (SCC), see paragraph 17 and 18, and 23.

⁴ *Edmonton Journal v. Alberta (Attorney General)*, 1989 CanLII 20 (SCC)

should only be restricted in the clearest of circumstances. The same policy should apply vis-à-vis the Channels reporting on legal issues in China, to Canadians.

36. The Supreme Court of Canada applied these same principles to reporting on police conduct and investigations in *Sherman Estate v. Donovan*,⁵ where estate trustees sought to stem press scrutiny into the police's ongoing investigation into the deaths of Barry and Honey Sherman. The Court agreed that sealing orders covering probate files should not have been granted, observing again that openness vis-à-vis legal proceedings is essential to the proper functioning of Canadian democracy. The Court held that this open court principle was engaged in all judicial proceedings, whatever their nature.
37. The Channels are thus participating in an important societal function, whether the subject matter of its reporting is viewed as popular or unpopular. The Canadian public is entitled to hear and assess the fact that these admissions were made and the views of Chinese authorities vis-à-vis the admissions, much like it is entitled to hear and assess the views of SGD.
38. The Channels' role and responsibility whether within China or abroad is to report on events. While news services should reasonably ensure their reports are fair and accurate, SGD here complains about reporting on events where the individuals have *admitted* those events, and the reporting is largely about the fact of the admission. Of course, the Channels cannot predict whether someone might *later* change or qualify such an admission, and proactively avoid reporting because of that contingency. If such were the case, news reporting services would be dramatically restricted in fulfilling their important societal role, because some underlying facts *might* change at a later date.
39. If the authorities in China report that a detained individual has admitted wrongdoing, the Channels are entitled to rely on the veracity of that reliable and official information for the purposes of their reporting. In every case referred to in SGD's Complaint, the individual who reportedly made an admission had made that admission.
40. The Channels should be afforded the same rights and protections afforded to domestic news reporting services, as summarized by the Supreme Court of Canada in *Grant v. Torstar Corp.*⁶ While that case dealt with defamation (i.e. untrue and damaging statements), and the reporting at issue here was accurate, the underlying law of defamation vis-à-vis the media reflects public policy with respect to the matters at issue.

⁵ *Sherman Estate v. Donovan*, 2021 SCC 25 (CanLII)

⁶ [2009] 3 SCR 640

41. The Supreme Court in *Torstar* was clear that news reporting services should not be held to a standard of certainty in their reporting. Indeed, the Court noted that such a standard would have the effect of preventing the communication of facts which a reasonable person would view as reliable and which are relevant and important to public debate, and would also inhibit political discourse and debate on matters of public importance, thus impeding the cut and thrust of discussion necessary for the discovery of the truth.
42. *Torstar* thus led to the emergence of a defence of responsible communication on matters of public interest, in defamation cases, in addition to the pre-existing defence of qualified privilege. But the *Torstar* decision goes beyond discussing defenses available to the press in defamation actions; rather, it summarizes and reflects Canadian public policy with respect to news reporting.
43. The Channels news reporting here would constitute matters of public interest, as defined by Justice McLachlin at paragraph 105 of *Torstar*:
- To be of public interest, the subject matter "must be shown to be one inviting public attention, or about which the public has some substantial concern because it affects the welfare of citizens, or one to which considerable public notoriety or controversy has attached."
44. Discussing the law of defamation by way of analogy to illustrate public policy, truth or justification is a complete defense to an action for defamation.⁷ In other words, the law should not interfere with communications that are accurate. Nor should the CRTC. Here, there is no dispute that the individuals referred to in SGD's Complaint in fact made the admissions that the Channels reported. Thus their reporting on the fact of those admissions is proper, and does not run afoul of Canadian public policy. The provisions of the Act should be interpreted and applied accordingly.
45. The defense of fair comment in defamation cases also reflects Canadian public policy, including vis-à-vis press reporting. The elements of that defense are: (a) the comment must be on a matter of public interest; (b) the comment must be based on fact; (c) the comment can include inferences of fact, but must be recognizable as comment; (d) the comment must satisfy the following objective test: could any person honestly express the opinion on the proved facts?; and (e) the defence can be defeated if the plaintiff proves that the defendant was subjectively actuated by express malice.⁸ To the extent that SGD was alleging that anything the Channels said in their reporting was inaccurate and defamatory, the Channels' reporting would be characterized as fair comment on matters that were clearly of public interest, and there was no express malice.

⁷ *Shavluk v. Green Party of Canada*, 2010 BCSC 804 (CanLII), appeal dismissed 2011 BCCA 286 (CanLII)

⁸ *ibid* at paragraphs 66 and 67

46. The qualified privilege defense in defamation cases likewise reflects Canadian public policy, including vis-à-vis press reporting. Per that defense, communications (including in news reporting) are not actionable where the person or party making the communication has an interest or a duty, whether legal social or moral, to make that communication to the person to whom it was made, and the recipient has a corresponding interest or duty to receive the information, absent some improper motive.⁹ Here, the Channels had both an interest and a duty in communicating to the public about the issues surrounding the admissions, and the public likewise had an interest in receiving these communications.
47. The Channels submit that if they were reporting in Canada on analogous Canadian events, their reporting would be protected by both freedom of the press as well as the public policy reflected in the defenses of justification, fair comment, qualified privilege and responsible communication. SGD would have no basis to complain, nor would it be able to prevent or restrain such reporting. The CRTC should not here characterize news reporting as "abusive comment" in circumstances where it does not fall within the Act or the AJA definition, and also does not run afoul of public policy as reflected in the noted court decisions regarding freedom of the press and defamation.
48. While the Channels appreciate that some aspects of the Chinese legal system and how they are administered are different than in Canada, that does not mean that reporting on legal issues in China and their handling under the Chinese rule of law is wrong, or runs afoul of Canadian broadcasting objectives. What is happening in China and how events are viewed and reported in China are of keen interest to many Canadians, as are the sometimes contrary views expressed on those same events by news reporting in other locations.
49. There is no credible or reliable evidence by which to conflate the Channels' actions in reporting on admissions with the false allegations regarding the circumstances surrounding an admission. Moreover, in every instance noted in the Complaint those alleged (and false) circumstances were only made known *after the fact*.
50. The Channels recognize that not everyone will agree with everything reported in the news, locally or abroad. People in different countries and within the same country may hold very different views on newsworthy events, particularly regarding political and legal issues. Canadians should have the benefit of a myriad of perspectives per broadcasting policy, and draw their own informed conclusions with the benefit of those perspectives. The Channels provide an important source of information, even if that information is controversial to some.

⁹ Hill v. Church of Scientology, 1995 CanLII 59 (SCC),

E. Lack of Evidence

51. SGD is asking the CRTC to take serious remedial action with a substantial impact on the Channels and many Canadians, in the absence of credible, compelling or satisfactory evidence. While these are not traditional legal proceedings per se, the Channels submit that some reasonable evidentiary standards should apply having regard to the nature of SGD's allegations and argument. At a minimum, there should be some qualitative analysis of the evidence submitted to support findings of fact. Here, SGD has written and filed what is in essence an argument rife with hearsay, without any direct evidence in the case of many of its allegations. With regard to nine (9) of the thirty-six (36) matters included in the Complaint (see Section H below for details), the descriptions of those matters are one-sided and do not provide any credible direct evidence. For the other twenty-seven (27) of the thirty-six (36) matters cited, SGD did not give a sufficiently fulsome description of the report or provide any evidence at all.
52. SGD's primary complaint relates to Simon Cheng, and SGD makes detailed submissions regarding his detention and alleged treatment. However, SGD provides no statement from Mr. Cheng regarding any of the matters addressed in its Complaint (SGD only provides a link to a Facebook site purportedly operated by Mr. Cheng). Instead, SGD advises that third parties (which have not made submissions or provided evidence) have themselves deemed Mr. Cheng's "testimony" to be "very credible." The Channels do not know on what basis these third parties reached their subjective conclusion. It is also unclear what "testimony" SGD refers to in its complaint, as to the Channels' knowledge Mr. Cheng has not testified before any legal body or tribunal, nor has he lodged a complaint with any Chinese authority regarding his treatment (as is his right), although he has seemingly given interviews to different media outlets. These subjective, third-party assessments are being put forward by SGD in a manner that is closed to challenge and scrutiny, and cannot serve as a substitute for reliable, objective evidence in these current proceedings.
53. While SGD alleges that the Channels are collaborative and complicit vis-à-vis the admissions, it also notes at page 4 of its Complaint that they had no access to Mr. Cheng while he was held incommunicado. Since the Channels had no access to Mr. Cheng, they could not have been involved with his recorded admission. Notably, Mr. Cheng does not himself mention much less implicate the Channels in his purported Facebook notes (see footnote number 6 to the Complaint). Rather, Mr. Cheng claims the filming was done by the police alone. His evidence contradicts many of SGD's key allegations vis-à-vis the Channels.
54. Regarding the other individuals SGD refers to in the Complaint, SGD does not provide any evidence that it is acting with their approval, authority and/or

consent, nor has it provided direct evidence from them corroborating SGD's characterization of their alleged experiences beginning at page 15. Instead, it purports to itself recount and explain their experiences, and asks the CRTC to rely on that very subjective and purposive characterization.

55. Ironically, SGD argues at page 4 of its Complaint (in bolded letters) that the Channels have wrongly presented allegations as facts, when in many instances that is precisely what SGD is doing.
56. At page 9 of its Complaint, SGD states that the purpose of the broadcast admissions was to deny individuals their right to a fair trial, an allegation that makes no sense since any subsequent trial would not involve a jury (there is no jury under Chinese legal system). Thus any news reporting vis-à-vis these admissions would not in any way influence and effect the fairness of a subsequent trial. This is yet another example of SGD making arguments to support its narrative disconnected from the realities and practicalities of the Chinese legal system.
57. While SGD alleges at page 11 of its Complaint that journalists from CCTV "very often" partake in the making of these videos, there is not a scintilla of evidence to support that allegation. While SGD alleges that certain unnamed victims have provided testimony to it, it does not identify them or produce that testimony. While SGD says at page 12 that it has a "vast trove" of such testimony, it does not produce *any* of that testimony. The CRTC's acceptance of such vague and anonymized allegations as proof of any facts would fall below even a minimal level of procedural fairness.
58. SGD itself is the only direct source of evidence, assuming the CRTC accepts its arguments as evidence. In virtually every instance, SGD's evidence is hearsay (e.g. it is recounting what someone else said to prove the truth of their statements).
59. That hearsay akin to this is inherently unreliable and must be approached cautiously is well-known and was confirmed by the Supreme Court of Canada in *R. v. Khelawon*.¹⁰ In that case, the Court held that hearsay evidence is presumptively inadmissible:

The rule excluding hearsay is a well-established exception to this general principle. While no single rationale underlies its historical development, the central reason for the presumptive exclusion of hearsay statements is the general inability to test their reliability. Without the maker of the statement in court, it may be impossible to inquire into that person's perception, memory, narration or sincerity. The statement itself may not be accurately recorded. Mistakes, exaggerations or deliberate falsehoods may go

¹⁰ 2006 SCC 57 (CanLII)

undetected and lead to unjust verdicts. Hence, the rule against hearsay is intended to enhance the accuracy of the court's findings of fact, not impede its truth-seeking function. However, the extent to which hearsay evidence will present difficulties in assessing its worth obviously varies with the context. In some circumstances, the evidence presents minimal dangers and its exclusion, rather than its admission, would impede accurate fact finding. Hence, over time a number of exceptions to the rule were created by the courts. Just as traditional exceptions to the exclusionary rule were largely crafted around those circumstances where the dangers of receiving the evidence were sufficiently alleviated, so too must be founded the overarching principled exception to hearsay. When it is necessary to resort to evidence in this form, a hearsay statement may be admitted if, because of the way in which it came about, its contents are trustworthy, or if circumstances permit the ultimate trier of fact to sufficiently assess its worth. If the proponent of the evidence cannot meet the twin criteria of necessity and reliability, the general exclusionary rule prevails. The trial judge acts as a gatekeeper in making this preliminary assessment of the "threshold reliability" of the hearsay statement and leaves the ultimate determination of its worth to the fact finder.

60. SGD offers no explanation as to why it has not submitted any evidence from those with firsthand knowledge of the allegations in the Complaint. Since SGD has not established the necessity of any hearsay evidence relayed via its argument, it is not necessary to assess its reliability, and the CRTC should apply an exclusionary rule.
61. In *Re Novak Estate*,¹¹ Justice Warner summarized at paras. 36 and 37 some of the tools to be used for assessing credibility:
- (a) The ability to consider inconsistencies and weaknesses in the witness's evidence, which includes internal inconsistencies, prior inconsistent statements, inconsistencies between the witness's testimony and the testimony of other witnesses;
 - (b) The ability to review independent evidence that confirms or contradicts the witness's testimony;
 - (c) The ability to assess whether the witness's testimony is plausible or, as stated by the British Columbia Court of Appeal in *Faryna v. Chorny*, it is "in harmony with the preponderance of probabilities which a practical [and] informed person would readily recognize as reasonable in that place and in those conditions;"

¹¹ [2008] N.S.J. No. 426 (N.S.S.C.)

- (d) It is possible to rely upon the demeanor of the witness, including their sincerity and use of language, but it should be done with caution; and
- (e) Special consideration must be given to the testimony of witnesses who are parties to proceedings; it is important to consider the motive that witnesses may have to fabricate evidence.
62. Where a witness is seen to be making overstatements or exaggerations that reflects on their credibility.¹² Here, SGD makes serious allegations without any evidence (e.g. the allegation that the Channels are directly involved in procuring the admissions), which must cast doubt on the credibility and reliability of its related assertions.
63. The reliability of evidence speaks to its accuracy, as addressed by Justice Doherty in *R. v. Morrissey*:¹³

Testimonial evidence can raise veracity and accuracy concerns. The former relate to the witness's sincerity, that is, his or her willingness to speak the truth as the witness believes it to be. The latter concerns relate to the actual accuracy of the witness's testimony. The accuracy of a witness's testimony involves considerations of the witness's ability to accurately observe, recall and recount the events in issue. When one is concerned with a witness's veracity, one speaks of the witness's credibility. When one is concerned with the accuracy of a witness's testimony, one speaks of the reliability of that testimony. Obviously a witness whose evidence on a point is not credible cannot give reliable evidence on that point. The evidence of a credible, that is, honest witness, may, however, still be unreliable.

F. SGD Bias and Agenda

64. SGD's Complaint must be viewed in the context of its agenda. SGD's allegations are intended to further that agenda, and its own subjective views as to certain events should not be treated or accepted as facts. In many cases, SGD's allegations are not supported by any evidence beyond its own opinions or self-serving characterization of facts.
65. SGD is overstating its complaint. While it only refers to a limited number of broadcasts over several years, it claims on page 1 of its Complaint that CCTV-4 has "consistently and systematically" engaged in broadcasting abusive content, allegedly partaken in collaboration with Chinese police. First, SGD's own submission does not support a finding of any consistent or systematic conduct.

¹² *C.M. Callow Inc. v. Tammy Zollinger et al.*, 2017 ONSC 7091 (CanLII)

¹³ 1995 CanLII 3498 (ON CA), [1995] O.J. 639 (C.A.) at paragraph 33

- Second, there is no evidence whatsoever that the Channels have conspired or collaborated with the Chinese police vis-à-vis any admissions.
66. According to its website, SGD is a human rights NGO founded in 2016 that undertakes and supports activities that it believes contribute to the protection of rights, that promote the rule of law and that enhance the abilities of human rights defenders in some of the most "hostile environments" in Asia. It is clear from SGD's description of China as "hostile" that it is predisposed to be critical of the Chinese Government, and policy/legal issues in that country. SGD views events and presents information through the lens of its own anti-China agenda.
 67. While SGD is entitled to express its views, it is not entitled to prevent others from hearing the views expressed on issues about China within China, and from other sources. Ironically, SGD, through this Complaint, is itself endeavouring to censor news reporting.
 68. Within Canada, people benefit from a diversity of views and uncensored news reporting, and are free to form their own opinions fully informed by a diversity of perspectives, including SGD's. Censorship at the behest of one group is not a solution to the issues that SGD perceives.
 69. SGD is very willing to paint its perceived protagonists with a broad brush. In 2021, SGD accused the United Nations Office on Drugs and Crime of being "tone deaf" by signing a memorandum of understanding on cooperation in combating corruption with China. While many would applaud such a development and commitment, SGD criticizes it.
 70. While SGD professes to operate as a public interest group advocating for human rights, it also markets and sells books as a commercial, revenue-generating activity. These include the People's Republic of the Disappeared, Scripted and Staged: Behind the Scenes of China's Force Televised Confessions, and Trial by Media, which alleges that CCTV collaborates with the police to coerce victims into confessing before being tried in a court of law. No independent or corroborative evidence of that has been presented to the CRTC - SGD cites its own work as authority to support its own allegations.
 71. The Channels reiterate that they only report the news, they do not make, shape or influence the news. Their news reporting should not be conflated with responsibility for the events they are reporting on, and there is no credible evidence that they have any such responsibility or involvement. Given that, the Channels should not be precluded from accurately reporting on legal developments in China occurring in accordance with Chinese law because SGD disagrees with and criticizes the underlying law. Admittedly, Chinese law and procedure varies in some ways from that in Canada and other "western countries." Such variances exist amongst all nations, and many countries have different laws, rules and procedures governing many things (e.g. even amongst

Western countries, some jurisdictions have the death penalty and some jurisdictions do not). Like any sovereign state, China has the right to design, implement and operate its own legal system, including measures for surveillance, detention or confinement. SGD ignores the fact that, per Chinese law, any authority applying such measures must strictly follow the laws and the regulations (e.g. the Criminal Procedure Law of the PRC), which expressly stipulate when and how such a measure may be applied in relevant investigations, the longest duration of such measure, and the requirements that must be met to protect the rights of the individuals detained, including their right to legal counsel. Because it does not fit the SGD narrative and agenda, SGD ignores the reality that Chinese law provides for due process, and includes provisions to protect those accused or suspected of illegal activities. SGD also ignores the fact that none of the individuals involved in the matters SGD purports to describe availed themselves of the procedures via which they can challenge the propriety of their treatment under Chinese law.

G. The Allegations in Context

72. To accept SGD's subjective and critical views as to China's legal systems and detention measures would be akin to xenophobia, since the correctness or propriety of the Chinese legal system cannot be judged solely through the lens of a western democratic legal system. China (like much of the rest of the world) operates differently.
73. The Complaint is over 2 years old, and the events are alleged to have taken place several years ago (during the period 2013-2019).
74. SGD itself has acknowledged that the activities referred to in the Complaint stopped several years ago. According to SGD's own website, in a December 2021 post addressing its views on admissions, SGD says: "As a result [of its efforts], its use inside China has been scaled back: as far as we are aware no lawyers or journalists have been broadcast confessing on TV for nearly two years." This raises a critical question - what harm is SGD asking the CRTC to prevent?
75. SGD is asking the CRTC to de-list the services, even though doing so is not necessary to address or avoid future such alleged activities.
76. As noted on page 2 of the Complaint, while SGD is only objecting to an individual broadcast regarding Mr. Simon Cheng which aired on November 21 and 22, 2019, it provides a few other alleged but unsupported examples seemingly with a view to illustrating that similar broadcasts have occurred "over a number of years".
77. SGD submits in its introduction that CCTV is "consistently and systematically engaged in broadcasting abusive content." However, SGD points to only a few instances of such alleged content involving a few individuals, occurring over a period of 5 years. As noted above, in nine (9) of the thirty-six (36) matters



Privileged & Confidential

included in the Complaint, the descriptions of those matters are one-sided and do not provide credible direct evidence. For the other twenty-seven (27) of the thirty-six (36) matters cited, SGD did not give any detailed description of the report or provide any evidence.

78. That is not consistent and systemic conduct, and again only comprises reporting on events that have in fact occurred. The Channels are not the actors, and there is no credible or reliable evidence suggesting otherwise. SGD's inclination to overstate facts is self-evident, and raises genuine questions about their reliability.

H. Specific Response to Each Allegation

79. Fifty-nine (59) allegations have been identified in the Complaint, which, in each case, assert that one or both Channels either: (a) provided false information, or (b) were complicit in a "forced confession". In total, the allegations involve 36 matters and 60 individuals. All of the allegations involve a one-sided and biased narrative that seeks to mischaracterize China's political system, laws, and social situation in a way that is not only unfair but is systematically prejudicial.
80. Furthermore, we note that the reports cited in the Complaint account for a very low proportion of all content broadcast on the Channels. According to our broadcast statistics, the 9 matters that involve CGTN were broadcast for about 27.5 minutes, accounting for approximately 0.00075% of the total broadcast time of CGTN from 2013 to 2019. The 27 matters that involve CCTV-4 were broadcast for about 230 minutes in the aggregate, accounting for only 0.0063% of the total broadcast time of CCTV-4 from 2013 to 2019. Since 2019, the Channels have rarely broadcast content that involve reports of the type and nature cited in the Complaint.
81. In Appendix A we respond to each of these allegations. In general, the allegations and responses to the allegations may be summarized as follows (the cited Rows refer to the rows in the Appendix table):

Peter Humphrey

82. In **2 of 59 allegations** (Rows 3-4, Peter Humphrey), SGD alleges the English Channel intentionally misrepresented the statements made by the individual in an interview by adding the expression "illegal means" to the voiceover of Mr. Humphrey's confession. This assertion is false and is not supported by the evidence. English translations of the respective interviews, which were produced by a reputable, independent translator, have translated Mr. Humphrey's Chinese statements as follows: "we sometimes obtain personal information by illegal means." This is consistent with the statement that aired in

the original interview on CCTV-4 on August 27, 2013, where Mr. Humphrey stated, in Chinese, based on our own translation, "There have been situations where we obtain personal information by illegal means." It is patently false, therefore, to suggest that the Channels intentionally misrepresented statements made by Mr. Humphrey himself. No words spoken by the individual were misrepresented in the translation.

83. In **2 of 59 allegations** (Rows 5-6, Peter Humphrey), SGD alleges that the Channel was aware that the individual's statements were coerced and that the broadcast was intended to prejudice the individual and violated Chinese law. This assertion is false and is not supported by the evidence. In advance of interviewing Mr. Humphrey, broadcasters had asked the police whether Mr. Humphrey had consented to being interviewed, which was answered in the affirmative. Mr. Humphrey had also provided handwritten consent, dated August 24, 2013, which expressly stated: "I agree to meet Chinese journalists for an interview." The consent note from Mr. Humphrey did not mention anything about refusing to meet TV journalists or being filmed or photographed. Moreover, the CCTV journalist who conducted the interview confirms that there were no indications to suggest that Mr. Humphrey was being coerced to hold an interview or issue statements. Mr. Humphrey did not appear to be under distress or duress, nor did he appear to be sedated or drugged. Rather, the CCTV journalist conducting the interview confirms that Mr. Humphrey answered all questions in a normal, coherent, and calm manner. The allegations are deliberately misleading and are intended to support a narrative of inappropriate behaviour on the part of the Channel. They are merely grounded in conjecture and are not based in fact or on evidence.
84. In **1 of the 59 allegations** (Row 9, Peter Humphrey), SGD alleges the Channels cooperated with the police to extract, record, and broadcast a forced admission from a drugged individual. In fact, the interview by the CCTV reporter was only conducted pursuant to the written consent of the subject individual and the news report merely reported the individual's statements. No coercion or disorientation of the individual was observed or suspected. These are speculative allegations without any evidence substantiating the allegation that the Channels cooperated with police to extract admissions. Several other broadcasters were present wishing to interview Mr. Humphrey.
85. In **1 of the 59 allegations** (Row 10, Peter Humphrey), SGD alleges that the Channels intentionally misrepresented facts about the individual's company and the application of Chinese laws. In fact, it is SGD that has misrepresented the statements made in the report as well as the state of Chinese law. The news report accurately stated facts that were communicated by police following their thorough investigation. As a source of information, statements made by police and law enforcement are generally viewed as authoritative and trustworthy.

Without credible evidence to the contrary, CCTV had no reasonable grounds to dispute the official findings from police. No false information was provided.

86. In **4 of the 59 allegations** (Rows 24-27, Peter Humphrey), SGD alleges the newscaster falsely stated that the individuals violated the rights of others and committed and were engaged in illegal acts. In fact, the allegations are false and misleading, intended to support a narrative of inappropriate behaviour on the part of the Channels that is contradicted by the facts. The news report appropriately cited the sources for statements made in the report and accurately described those statements as allegations made by the police against the individuals. See Appendix A.
87. In **1 of 59 allegations** (Row 34, Peter Humphrey), SGD alleges that the newscaster falsely stated that the individuals were arrested for something they were not charged with. Contrary to this allegation, the English language news broadcast stated that "Two private cooperate investigators Peter Humphrey and his wife Yingzeng Yu have been arrested by Shanghai police, and now face charges of obtaining and selling personal data for illegal purposes." In the accompanying CCTV broadcast that aired on August 27, 2013, in Chinese, it was accurately reported that Humphrey was charged with "illegally obtaining personal information" ("非法获取公民个人信息"). By way of background, the provision of "illegally obtaining personal information" is a criminal offence in China, and can result in imprisonment or criminal detention. Both the statements made in the English and Chinese broadcasts are accurate statements of fact, and were based entirely on credible information conveyed to the Channels by police following their thorough investigation. While the Channels exercise caution and diligence, they have no reasonable grounds to dispute the findings of official police reports if no credible evidence is provided otherwise. Moreover, consistent with police findings, it is important to note that Mr. Humphrey (and his wife) did not object to the facts and evidence of the underlying accusations made against him. Rather, they argued that they were unaware of the illegality of the purchase of personal information, and expressed regret for their actions, requesting a lesser punishment from the court. This allegation has been advanced by SGD to support a false narrative of intentional inappropriate behaviour on the part of the Channels.
88. In **4 of the 59 allegations** (Rows 35-38, Peter Humphrey), SGD alleges that the newscaster falsely represented the business activities and status of the individual's business. The allegations are misleading and taken out of context, and are intended to support a false narrative of inappropriate behaviour on the part of the Channels. In fact, the news reporter was merely reporting the information from the police. According to the respective court's judgment, the Humphreys repeatedly obtained citizens' personal information illegally for the purpose of making profits by means of producing investigation reports. Such official sources support the contents reported by the Channels, namely, that Mr.



Humphrey was selling citizens' personal information for profit. Under Chinese law, the act of illegally acquiring citizens' personal information is a crime.

Peter Dahlin

89. In **4 of 59 allegations** (Rows 11, 14, 15, and 28, Peter Dahlin), SGD alleges that the Channel: (i) falsely characterized the statements made by the individual about the activities of the individual's company, (ii) falsely characterized the individual's statements as a confession, and (iii) had a duty to verify that the statements made were false. In fact, the Channel simply broadcast the actual statements made by the individual and had no reason to believe that those statements were false. Furthermore, SGD has intentionally conflated and mischaracterized specific statements made within the report to support a narrative of inappropriate behaviour on the part of the Channel that is not based in fact.
90. In **1 of the 59 allegations** (Row 13, Peter Dahlin), SGD alleges the Channels were aware that the individual's statements were made under duress. In fact, the Channels merely reported the news, and there was no indication or reason to believe that the individual was treated in a manner inconsistent with Chinese law while in police custody. During the interviews, the interviewees expressed themselves naturally and appeared in a normal state and not under duress. The allegation is pure conjecture. No corroborating evidence has been provided.
91. In **3 of the 59 allegations** (Rows 40-42, Peter Dahlin), SGD alleges that the newscaster falsely represented the activities of the individual's organization, the nature of the individual's detention, and statements made about the individual by his coworkers. The allegations are false, misleading, taken out of context, and intended to support a false narrative of inappropriate behaviour on the part of the Channels. In fact, the report accurately described the individual as a suspect subject to criminal enforcement measures who was being detained in a manner consistent with China's *Criminal Procedure Law (2012)*. The statements made by the individual's co-workers were from the police.

Gui Minhai

92. In **2 of the 59** allegations (Rows 7-8, Gui Minhai), SGD alleges that CGTN had knowledge that the individual was kidnapped and intentionally lied by stating that the individual had voluntarily returned to China. In fact, the reporting was based directly on statements made by the individual in the subject interview. CGTN accurately reported the individual's statements, and there was no indication, credible evidence, or reason to believe that any "kidnapping" had taken place.
93. In **1 of 59 allegations** (Row 39, Gui Minhai), SGD alleges that CCTV falsely stated the citizenship of the individual. The allegation is false and taken out of context,

and is intended to support a false narrative of inappropriate behaviour on the part of CGTN. In fact, the citizenship of the individual was accurately represented in the report but SGD has chosen to mis-translate certain words in the report to suit its biased agenda.

Simon Cheng

94. In **4 of the 59 allegations** (Rows 2, 12, 23, and 33, Simon Cheng), SGD alleges the Channel falsely characterized the individual as being on trial and engaged in illegal activity for the intended purpose of convicting him in public and presenting his detention as lawful. The Complainant also alleges that the Channels may have been aware of possible mistreatment of the individual while in police custody and the English language Channel voiced over the individual's confession. In fact, in the CCTV Chinese language report, it was reported that Simon Cheng was lawfully detained by police pursuant to a law enforcement process in China known as 审讯, which involves the investigation and subsequent sentencing of an individual found to be guilty of an offence by the police. Mr. Cheng was, indeed, subject to 审讯, a standard law enforcement process that involved both the investigation and sentencing of the individual. Reporting was based on Shenzhen police records documenting Simon Cheng's 15-day detention for violating Article 66 of the *Public Security Administration Punishment Act of the People's Republic of China*. Video evidence released by the police show that Mr. Cheng had acknowledged his violation of the law. Details of his case were also confirmed by Geng Shuang, a spokesperson for the Chinese Foreign Ministry, who issued a statement rejecting that Mr. Cheng was coerced by the Shenzhen police. Based on police records, official statements, video evidence, and the fact that Mr. Cheng was detained pursuant to Article 66, use of the English expression "on trial" to reflect the Chinese concept of 审讯, which does not have a direct English equivalent, was not inappropriate under the circumstances or used by the Channels to mislead or convict Mr. Cheng in the public. The news report accurately cited the sources and was reported objectively and without bias.
95. The Complainant is attempting to mischaracterize an established Chinese law enforcement process to support a false narrative. The English language voice over was for the benefit of the English language audience and accurately reflected the statements of the individual. Due to the nature of the story, CGTN decided to edit out the sound and briefly summarize, by way of commentary, that the video showed that Mr. Cheng acknowledged his violation of the law, which he did in the unedited video on the Weibo website. There was no indication that the individual was being treated in a manner inconsistent with Chinese law while in police custody at the time of broadcasting this newscast. The Channels did not have any indication, credible evidence, or reason to believe that of the individual being treated in a manner inconsistent with Chinese law while in police custody.

Lam Wing-kee

96. In **2 of 59 allegations**, (Row 16 and 43, Lam Wing-kee), SGD alleges that CCTV knowingly broadcast admissions of the individual that it should have known was made under duress and that the recording was filmed or edited to disguise the "clandestine" prison environment. The allegations are false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based in fact or supported by evidence. In fact, the video clips in the report were from the police. Also, Residential Surveillance at a Designated Location (RSDL) detention is a part of Chinese criminal law and criminal procedure, and has been part of the Criminal Procedure Law of the PRC since 1979. RSDL detention is subject to judicial oversight in China, including a 1984 decision by the Supreme People's Court that admonished the public security apparatus for improperly enforcing residential surveillance outside the domicile of the suspect. Therefore, given the existing legal safeguards in place in China, Mr. Wing-Kee's RSDL detention did not, in and of itself, create a reason for CCTV to suspect that his statement was made under duress. CCTV merely reported the news, and did not alter or edit the video clips from the police. Moreover, there was no indication that Mr. Lam had made the admission under duress or that he was being treated in a manner inconsistent with Chinese law while in police custody at the time of broadcasting this newscast.
97. **1 of the 59 allegations** (Row 44, Lam Wing-Kee) is irrelevant as it pertains to an article published on a website and does not involve a broadcast on either of the Channels. It appears that this allegation was included in the Complaint solely for the purpose and with the intent of supporting a false narrative.

Various Individuals

98. In **24 of the 59 allegations** (Rows 17-22, 29-32, Rows 45-58, various individuals), SGD alleges a forced confession took place but a review of the cited video tapes reveal no evidence of any forced confession. These allegations are based solely on conjecture with no other supporting or corroborating evidence.

Ai Ke Abai Er and Jiang Tianyong

99. In **2 of the 59 allegations** (Row 59, Ai Ke Abai Er, and Row 60, Jiang Tianyong), SGD refers to video clips that do not appear to exist and where no other evidence is provided by SGD to support the allegations of forced confession.

100. In conclusion, the broadcasting of the Channels did not violate Canadian broadcasting policies, and SGD's Complaint is not sufficiently supported to be accepted. As professional media organizations, CCTV and CGTN are committed to strengthening communication and cooperation with the CRTC, abide by



Privileged & Confidential

Canadian laws, ensure the compliance of the Channels' content, and continue to support the CRTC's diversity policies and objectives.



Privileged & Confidential

Appendix

[insert the response table here]

Broadcast Date	Channel	Referenced Individual	Nature of Allegation	Allegation	CGTN/CCTV Position	Response
11/21/2019	CGTN/CCTV	Simon Cheng 郑文杰	False information provided by CGTN/CCTV	The complainant alleges CGTN falsely characterized Simon Cheng as being on trial. The complainant further alleges that the false characterization was intended to "convict him in public", and to present his detention as lawful.	In the introduction to the news item, the Chinese law enforcement process of 审讯 ("investigation and sentencing"), which does not have a direct English language equivalent, was translated by the reporters as "of his trial". The news item was accurately reported without bias. No false information was intended or provided.	In the CCTV Chinese language report, it was reported that Simon Cheng was lawfully detained by police pursuant to a law enforcement process known as 审讯, which involves the investigation and subsequent sentencing of an individual found to be guilty of an offence by the police. In the CGTN English language report, the news item was briefly introduced with the following sentence: "Shenzhen police have released videos of Simon Cheng soliciting prostitutes and of his trial in August." In fact, Simon Cheng was subject to a law enforcement process (审讯) relating to the investigation and inquiry of police, which process encompasses "investigation and handling of case" or "investigation and sentencing". As this concept does not have a easily understood equivalent in English, and given that Simon Cheng was in fact sentenced to 15 days of administrative detention by the police, the use of the phrase "of his trial" was not inappropriate in the circumstances. CGTN accurately reported the lawful detention of Simon Cheng. Furthermore, it is pure conjecture, false, and out of context to suggest that CGTN's intent was to "convict him in public". The complainant has not provided any evidence to support this allegation.
8/27/2013	CGTN	Peter Humphrey 韩飞龙	False information provided by CGTN	The complainant alleges CGTN intentionally misrepresented Peter Humphrey's words by adding the phrase "illegal means" to the voiceover of Humphrey's confession in order to falsely portray him admitting to the allegations.	The news item was accurately reported without bias. No false information was provided.	There was no misrepresentation of Peter Humphrey's words. CGTN did not add words to portray Peter Humphrey as admitting to allegations. Humphrey's original interview was conducted in Chinese. The original interview can be found in the newscast of CCTV-4. In the original interview, Humphrey states in Chinese that there have been situations where: "there have been situations where we obtain personal information by illegal means. I regret this very much and want to apologize to the Chinese government."
7/14/2014	CGTN	Peter Humphrey 韩飞龙	False information provided by CGTN	The complainant alleges CGTN intentionally misrepresented Peter Humphrey's words when the narrator stated that Humphrey admitted to using illegal means.	The news item was accurately reported without bias. No false information was provided.	There was no misrepresentation of Peter Humphrey's words. CGTN did not add words to portray Peter Humphrey as admitting to allegations. Humphrey's original interview was conducted in Chinese. The original interview can be found in the newscast of CCTV-4. In the original interview, Humphrey admitted to having used illegal means to obtain personal information. Specifically, Humphrey stated in Chinese that: "there have been situations where we obtain personal information by illegal means."
8/27/2013	CCTV	Peter Humphrey 韩飞龙	CCTV complicit in forced confessions	The complainant alleges the CCTV journalists present when Peter Humphrey's interview was taped were aware of the "coerced" nature of the interview. The complainant also alleges that in the footage of Peter Humphrey speaking, he was noticeably drugged and speaking in slurred words in Chinese, and that his original answers came with qualifiers (e.g. "if I did anything illegal, then..."), but his qualifiers for each answer were edited out prior to the report.	The interview was conducted pursuant to the written consent of Peter Humphreys and accurately represents the statements of Peter Humphrey. The recording provides no evidence that Peter Humphrey was incapacitated at the time of recording.	While it is true that CCTV journalists were present at the time of Peter Humphrey's interview, the complainant fails to mention that CCTV obtained a consent note from Peter Humphrey before interviewing him. The handwritten note, dated 24 August 2013, was signed by Humphrey and said: "I agree to meet Chinese journalists for an interview". In the impugned video clip there is no indication of Peter Humphrey being 'drugged and speaking in slurred words'. CCTV was not aware of any qualifiers in Humphrey's answers. We further note that under Chinese laws and regulations, officials including those acting in a law enforcement or security capacity are strictly restricted from extracting information during an interrogation by means of torture. Failure to comply with such restrictions may lead to administrative sanctions or be subject criminal liabilities. According to the relevant judicial judgments/orders, Humphrey and Yu did not challenge the charges and evidence. Therefore, it is reasonably believed they voluntarily confessed in order to receive a lesser sentence.

7/14/2014	CCTV	<p>Peter Humphrey 韩飞龙</p>	CCTV complicit in forced confessions	<p>The complainant alleges the clip of Humphrey's interview aired in a way deliberately timed to prejudice the defendants' trial. The complainant further alleges the news report violates Chinese law.</p>	<p>The recording did not prejudice Peter Humphrey at trial. The broadcast of a consensual interview is not illegal in China. The allegation is deliberately misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based in fact.</p>	<p>The broadcast of a defendant's interview whether in China or Canada does not prejudice the defendant's trial in the Chinese legal system in the manner suggested in the allegation. Since there are no jury trials in China's judicial system, and all cases are tried by Chinese courts independently in accordance with the law without being subject to interference from administrative organs, social groups or individuals when performing their functions. Judges exercise the adjudicative power in accordance with the law, and faithfully implement the Constitution and laws. The media publications do not pose a real risk of prejudice to defendants in criminal trials as might be the case in a Western style jury trial. Further, broadcasting a consensual interview prior to trial is not illegal in China. As such, the allegation is misleading and creates a false narrative that is not supported by the facts.</p>
1/18/2016	CGTN/CCTV	<p>Gui Minhai 桂敏海</p>	False information provided by CGTN/CCTV	<p>The complainant alleges that CCTV/CGTN had knowledge of the video evidence from Gui's Thailand home where he was alleged to have been kidnapped, and despite these conflicting facts, the broadcaster said that he turned himself in to the authorities. The complainant further alleges that it was imperative for the Chinese government to propagate the lie that he had "returned voluntarily", because kidnapping him in Thailand and smuggling him from there to China could cause an international diplomatic uproar. This intentional lie broadcast by CGTN was to serve this propaganda goal of the Chinese authorities and cover up an act of kidnapping and hostage-taking.</p>	<p>The reporting was based directly on statements made by Gui Minhai in the subject interview. CCTV/CGTN accurately reported Gui Minhai's statements. CCTV/CGTN had no knowledge of any "kidnapping" or any information that would have suggested that a kidnapping took place.</p>	<p>The allegations regarding Gui's interview reports are unfounded and unsubstantiated by any credible evidence. Indeed, they are inconsistent with the statements made by Gui. In Gui's own interview, provided by the police, he admitted to his voluntary return when he said, in the 1/18/2016 CCTV report, "returning to China and surrendering is a voluntary choice for me, and it has nothing to do with anyone, and I do not want any individual or organization, including Sweden, to intervene or interfere with my return to China." Those were the facts supporting the report.</p> <p>Regarding the kidnapping claim, Gui himself denied that he was kidnapped. The complainant ignores that fact. Further, the complainant has not provided any links to the alleged surveillance video showing Gui being taken hostage to leave Thailand. We have conducted an extensive search of news reports online, and in the videos we were able to find online, found no evidence of any kidnapping. Rather, the video only shows Gui's white car arriving home from grocery shopping, and man in a striped T-shirt can be seen lingering by the complex's gate and watching the car. Later, Gui is seen instructing the apartment complex's security guard to take his groceries before getting into the car and driving away with the unknown man. It would be unreasonable to infer that a kidnapping took place from this video clip. As such, the newscaster did not engage in an "intentional lie" as the complainant alleges. The complaint goes beyond speculation, and this is an example of the complainant's effort to mischaracterize what transpired, and to ignore evidence that is inconsistent with its narrative.</p>

<p>2/9/2018</p>	<p>CGTN</p>	<p>Gui Minhai 桂敏海</p>	<p>False information provided by CGTN</p>	<p>The complainant alleges that CCTV/CGTN had knowledge of the video evidence from Gui's Thailand home where he was alleged to have been kidnapped, and despite these conflicting facts, the broadcaster said that he turned himself in to the authorities. The complainant further alleges that it was imperative for the Chinese government to propagate the lie that he had "returned voluntarily", because kidnapping him in Thailand and smuggling him from there to China could cause an international diplomatic uproar. This intentional lie broadcast by CGTN was to serve this propaganda goal of the Chinese authorities and cover up an act of kidnapping and hostage-taking.</p>	<p>The reporting was based directly on statements made by Gui Minhai in the subject interview. CCTV/CGTN accurately reported Gui Minhai's statements. CCTV/CGTN had no knowledge of any "kidnapping" or any information that would have suggested that a kidnapping took place.</p>	<p>The allegations regarding Gui's interview reports are unfounded and unsubstantiated by any credible evidence. Indeed, they are inconsistent with the statements made by Gui. In Gui's own interview, provided by the police, he admitted to his voluntary return when he said, in the 1/18/2016 CCTV report, "returning to China and surrendering is a voluntary choice for me, and it has nothing to do with anyone, and I do not want any individual or organization, including Sweden, to intervene or interfere with my return to China." Those were the facts supporting the report.</p> <p>Regarding the kidnapping claim, Gui himself denied that he was kidnapped. The complainant ignores that fact. Further, the complainant has not provided any evidence showing Gui being taken hostage or being kidnapped. We have conducted an extensive search of online news reports and none of the videos identified provide evidence of any kidnapping. In particular, the video referenced by the complainant appears to show Gui's white car arriving home from grocery shopping, and man in a striped T-shirt can be seen lingering by the complex's gate and watching the car. Later, Gui is seen instructing the apartment complex's security guard to take his groceries before getting into the car and driving away with the unknown man. It would be unreasonable to infer that a kidnapping took place from this video clip. As such, the newscaster did not engage in an "intentional lie" as the complainant alleges. The complaint goes beyond speculation, and this is an example of the complainant's effort to mischaracterize what transpired, and to ignore evidence that is inconsistent with its narrative.</p>
<p>8/27/2013</p>	<p>CGTN</p>	<p>Peter Humphrey 韩飞龙</p>	<p>CCTV/CGTN complicit in forced confessions</p>	<p>The complainant alleges that CCTV/CGTN journalists cooperated with police to extract, record, and broadcast the confession of a 'clearly visible' drugged man.</p>	<p>The allegation is pure conjecture to create a false narrative, which is not supported by the facts or any evidence.</p>	<p>It is conjecture not supported by any facts to suggest that CCTV/CGTN journalists cooperated with police to extract confessions from Peter Humphrey. In fact, CCTV received a written consent note from Peter Humphrey before interviewing him. The CCTV journalist who interviewed Humphrey stated that "Humphrey did not appear to be in trouble or coerced, nor did he appear to have been given sedatives or anesthetics. On the contrary, Peter Humphrey answered the questions posed to him by the reporter in a normal, coherent and calm manner." Additionally, from the video it is clear that Peter Humphrey was coherent and lucid instead of 'clearly' drugged.</p>

8/27/2013	CCTV	Peter Humphrey 韩飞龙	False information provided by CCTV	The complainant alleges that the CCTV newscaster intentionally distorted a professional corporate due diligence firm as a mass personal data trafficker. In the clip, the newscaster states that Humphrey's company illegally obtained information since 2003, when the privacy law under which Humphrey was charged did not exist until 2009	The news item was accurately reported. No false information was provided.	Contrary to the complainant's allegation, the report in question merely stated that "the police investigation found that since 2003, Peter's company has been suspected of illegally obtaining the personal information of citizens." (translated) As such, CCTV only reported on the conclusions reached by the police as part of its investigation. As a source of information, statements made by police authorities are generally viewed as authoritative and trustworthy, and without credible evidence provided otherwise, CCTV has no reasonable grounds to dispute such findings. We note that there are various laws in China that protect the privacy rights of citizens, many of which were in existence in 2003. In particular, the rights to personal dignity, reputation and privacy are recognized and protected under China's Constitution (1982), General Principles of the Civil Law (1986) and other administrative regulations. We also note that during the trial of Mr. Humphrey (and his wife), he did not object to the facts and evidence underlying the accusations made against him, e.g. that he purchased hundreds of items of personal information. Mr. Humphrey (and his wife) argued that they were unaware of the illegality of the purchase of personal information but this was not accepted by the court. They expressed regret for their actions and asked the court for a lesser punishment. The court determined that during the period between March 2009 and July 2013, the two defendants have illegally acquired 256 pieces of personal information.
1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that CCTV falsely stated that Dahlin's group assisted with smuggling a person across Chinese borders, in order to incriminate Mr Dahlin in a trial by media. Further, the complainant alleges that the Chinese security services knew that it was false, and CCTV did not verify the truth of the statement.	The news item was accurately reported. No false information was provided.	At 2 minutes and 25 seconds of the news report, Peter Dahlin said that "... Our organization's funding behavior may also be held criminally responsible". At 2 minutes 40 seconds of the video, Peter Dahlin made it clear that "Xing Qingxian, a lawyer whom I once financially supported, has assisted the son of Wang Yu of Fenghui Law Firm in smuggling him out of the country". Therefore, the information provided by the newscaster is consistent with Peter Dahlin's own statements and no false information was provided. The complainant's speculation as to what was known by Chinese security services has no bearing on the reporting of CCTV and it is unreasonable to expect that CCTV was obligated or in a position to determine the knowledge of Chinese security services.
11/21/2019	CGTN/CCTV	Simon Cheng 郑文杰	CCTV/CGTN complicit in forced confessions	The complainant alleges CCTV/CGTN may have been aware of possible mistreatment of Cheng in police custody	The allegation is pure conjecture to create a false narrative, which is not supported by the facts or any evidence.	CCTV/CGTN merely reported the news, and at the time of broadcasting this newscast, there was no indication and no reason to believe that Simon Cheng was being treated in a manner inconsistent with Chinese law while in police custody.
1/19/2016	CCTV	Peter Dahlin 彼得达林	CCTV complicit in forced confessions	The complainant states that Peter Dahlin claims all his statements were known to CCTV to have been made under duress.	The allegation is pure conjecture to create a false narrative, which is not supported by the facts or any evidence.	CCTV merely reported the news, and at the time of broadcasting this newscast, there was no indication and no reason to believe that Peter Dahlin was being treated in a manner inconsistent with Chinese law while in police custody.
1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that the CCTV narrator falsely stated that Peter Dahlin confessed to the accusations.	The news item was accurately reported. No false information was provided.	At 2 minutes and 25 seconds of the news report, Peter Dahlin said that "... Our organization's funding behavior may also be held criminally responsible". At 2 minutes 40 seconds of the video, Peter Dahlin made it clear that "Xing Qingxian, a lawyer whom I once financially supported, has assisted the son of Wang Yu of Fenghui Law Firm in smuggling him out of the country". Therefore, Peter Dahlin did confess to the accusations against him.

1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that the CCTV narrator falsely stated that Peter Dahlin said his group paid Chinese professional lawyers to launch lawsuits against the government.	The news item was accurately reported. No false information was provided. The allegation is intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on the facts.	The complainant has elected to interpret certain statements made in the report in a very particular and narrow manner with the goal of mischaracterizing the substance of the report. The news segment reports on the fact that Peter Dahlin's organization received funding from foreign entities for the purpose of pursuing legal proceedings involving the government and, in that regard, the funds were used to retain the services of Chinese lawyers. The report does not exclude the possibility that the funds were used to defend an individual subject of criminal prosecution, which the Complainant has pointed out, but it likewise does not exclude instances where Dahlin's organization, in fact, funded administrative proceedings against the government. The Complainant conveniently fails to mention these facts, which are critical to understanding the true context, and in doing so, is distorting the original intent of the report by deliberately avoiding facts that are unfavourable to the Complainant.
7/6/2016	CCTV	Lam Wing-Kee 林荣基	CCTV complicit in forced confessions	The complainant alleges that CCTV knowingly broadcasted confessions of a man in solitary confinement in RSDL detention and should have known that any recording by Lam would have been performed with him under extreme duress. The complainant further alleges that CCTV used video recordings that are filmed or edited in such a way as to disguise his clandestine prison environment.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	The video clips used by CCTV in its report was from the police. These clips were not made or edited by CCTV. CCTV was merely reporting the news, and at the time of broadcasting this newscast, there was no indication and no reason to believe that Lam Wing-Kee was being treated in a manner inconsistent with Chinese law while in police custody. By way of background, Residential Surveillance at a Designated Location (RSDL) detention is a part of Chinese criminal law and criminal procedure, and has been part of the Criminal Procedure Law of the PRC since 1979. The process of RSDL detention is subject to judicial oversight in China, including a 1984 decision by the Supreme People's Court that admonished the public security apparatus for improperly enforcing residential surveillance outside the domicile of the suspect. Therefore, given the existing legal safeguards, Lam's RSDL detention did not, in and of itself, create a reason for CCTV to suspect that Lam's confession was made under duress.
5/13/2014	CCTV	Xiang Nanfu 向南夫	CCTV complicit in forced confessions	The complainant alleges the news clip involved a forced confession. No specific allegations or evidence was given with regard to any inappropriate activities of CCTV.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
9/26/2014	CCTV	Ilham Tohti 伊力哈木·土赫提	CCTV complicit in forced confessions	The complainant alleges the news clip involved a forced confession. No specific allegations or evidence was given with regard to any inappropriate activities of CCTV.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	A review of the taped confession provides not indication or evidence that it was coerced. In fact, the newscast takes place at Ilham Tohti's public court trial. Ilham Tohti appears to be speaking smoothly and in a natural way.
7/12/2015	CCTV	Zhou Shifeng 周世锋	CCTV complicit in forced confessions	The complainant alleges the news clip involved a forced confession. No specific allegations or evidence was given with regard to any inappropriate activities of CCTV.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
7/19/2015	CCTV	Zhou Shifeng 周世锋	CCTV complicit in forced confessions	The complainant alleges the news clip involved a forced confession. No specific allegations or evidence was given with regard to any inappropriate activities of CCTV.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
8/31/2015	CCTV	Wang Xiaolu 王晓璐	CCTV complicit in forced confessions	The complainant alleges the news clip involved a forced confession. No specific allegations or evidence was given with regard to any inappropriate activities of CCTV.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
5/9/2017	CCTV	Xie Yang 谢阳	CCTV complicit in forced confessions	The complainant alleges the news clip involved a forced confession. No specific allegations or evidence was given with regard to any inappropriate activities of CCTV.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact or supported by evidence.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.

11/21/2019	CGTN/CCTV	Simon Cheng 郑文杰	False information provided by CGTN/CCTV	The complainant alleges that the video footage falsely shows Simon Cheng soliciting prostitutes.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV/CGTN that is not based on fact.	The video footage and the context of the footage was from Shenzhen police. CCTV/CGTN were merely reporting the statements of the police. CGTN accurately prefaced the news item with "Shenzhen police have released videos of Simon Cheng".
8/27/2013	CGTN/CCTV	Peter Humphrey 韩飞龙	False information provided by CGTN/CCTV	The complainant alleges that the newscaster falsely stated that the Humphrey couple violated Chinese people's rights, when at the time they had not been convicted of any crime.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV/CGTN that is contradicted by the facts.	The transcript of the relevant CCTV newscast (translated) reads: "the police searched his company and found more than 500 investigation reports, of which 10 reports have been identified to have seriously violated the personal privacy of Chinese citizens." The exact transcript of the relevant CGTN newscast reads "several dozen reports prepared by Humphrey and Yu contain information that seriously violated legitimate rights of citizens according to the investigation by Shanghai police. " In both newscasts, it was made clear that these were allegations by the police against Humphrey. The CCTV/CGTN reporters were careful not to present the allegations as facts. In both reports, the newscaster began by prefacing that Humphrey and his wife were facing charges, and those charges have not been proven in court. For example, the CCTV report (translated) opens with "...was suspected of illegally obtaining personal information of Chinese citizens".
7/14/2014	CGTN	Peter Humphrey 韩飞龙	False information provided by CGTN	The complainant alleges that the newscaster falsely stated that the Humphrey couple committed certain acts, when at the time they had not been convicted of any crime and none of the allegations had been proven in court.	The allegation is false and misleading given the context, intended to support a narrative of inappropriate behaviour on the part of CGTN that is contradicted by the facts.	In the relevant newscast, the narrator's voiceover describing the alleged acts of the Humphreys was made in the broader context of explaining the criminal allegations against them. CGTN did not attempt to paint these allegations as fact. CGTN accurately prefaced the report 8/27/2013 report by saying "...owners of a foreign private investigation firm have been arrested on charges...", and the 7/14/2014 report by saying "Prosecutors in Shanghai have indicted a foreign couple for illegally obtaining private information on the Chinese", in both cases to indicate that the charges had yet to be proven. In the first broadcast, the relevant narration immediately preceded a clip of a police officer that expanded on what the police were alleging. In the second broadcast, the list of allegations was prefaced by "Prosecutors have found ..."
8/27/2013	CCTV	Peter Humphrey 韩飞龙	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that Humphrey's company, ChinaWhys, had bought and sold personal data.	The allegation is false and misleading, intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact.	The news report stated that Humphrey/ChinaWhys bought and sold personal data. This information was obtained from the police. The translated transcript of the newscast reads: "after illegally obtaining these detailed personal information at a price of RMB 800-2,000, the suspects compiled them into an investigation report, and sold them at a high price of more than RMB 100,000 to clients, seeking illegal benefits." These numbers were provided by the authorities. There was no indication at the time that the information was false. As a source of information, statements made by police authorities are generally viewed as authoritative and trustworthy, and without credible evidence provided otherwise, CCTV has no reasonable grounds to dispute this information. Furthermore, it is mere conjecture to suggest that Humphrey did not sell personal information just because he was only arrested for and charged with "illegally obtaining personal information". Under China's legal system, the standard of proof for prosecution is higher than that for arrest. Therefore, it is common for the police to arrest a suspect on a specific cause of action in accordance with the law, then carry out a full investigation of the suspect which may reveal more details on the illegal activities, and then it will transfer the case to the procuratorate for charges to be laid. Similar to the Canadian legal system, the final list of charges laid will not necessarily encompass all the illegal activities suspected by the police.

8/27/2013	CCTV	Peter Humphrey 韩飞龙	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that Humphrey's company, ChinaWhys, was an illegal company, when it was properly licensed.	The allegation is misleading and presented out of context as the news item does not state that the company was improperly licenced. Instead, it was reported that the company was allegedly engaged in illegal activities.	The news report stated that "recently, the Shanghai Police cracked down an illegal investigation company Shelian Consultation Co., Ltd. founded by foreigners in China". It referred to the company's alleged illegal behaviours at the time, and did not call into question the legitimacy of the company's registration/incorporation. Furthermore, the news report was clear to present Humphrey as a suspect and the illegal activity as allegations.
1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that Mr Dahlin's work and his group operated under instruction from a foreign, non-specified, institution.	The allegation is misleading, presented out of context, and intended to support a narrative of inappropriate behaviour on the part of CCTV that is not based on fact.	The news report did not say that Mr. Dahlin's work and his group operated under instruction from a foreign non-specific institution, instead, the report stated that Mr. Dahlin's group received funds from several foreign institutions and implemented the project plans in China (see extract below). The news report was also reporting on the result of the investigation conducted by relevant Chinese authorities. The complainant conflates and oversimplifies statements made in the report and intentionally omits some facts and distorts others to serve its narrative. Referencing to original transcripts: "After investigation, it was found that in August 2009, Peter colluded with Wang Quanjian and others, a lawyer of Beijing Fengrui Law Firm, to register an organization called "Joint Development Institute Limited" (JDI) in Hong Kong, which acted in the name of "China Human Rights Protection Emergency Assistance Team" in China, but did not perform any registration and filing procedures, and the entry and activities of the funds were completely out of normal supervision. This organization has long received huge funding from seven foreign institutions such as a foreign non-governmental organizations. According to the project plans designed by these foreign institutions, it has established more than 10 so-called "legal aid stations" in China, funded and trained unlicensed "lawyers" and a few petitioners, and used them to gather various negative situations in China to distort, exaggerate or even fabricate them to provide to the so-called "China's Human Rights Report" overseas." (translated)
10/26/2013	CGTN	Chen Yongzhou 陈永洲	CGTN complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
8/29/2013	CCTV	Charles Xue Biquan 薛蛮子	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
10/26/2013	CCTV	Chen Yongzhou 陈永洲	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.
4/23/2018	CCTV	Guo Wengui 郭文贵	CCTV Complicit in Forced Confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	A review of the taped confession provides no indication or evidence that the interview was coerced. The interviewees in the videos appear to be speaking smoothly and in a natural way.

11/21/2019	CGTN	Simon Cheng 郑文杰	False information provided by CGTN	The complainant alleges that the English language narrator voiced over Cheng's confession.	The allegation is not supported by any evidence of inappropriate actions on the part of CGTN.	Due to the nature of the story, CGTN chose to edit out the sound and briefly summarise in commentary that the video showed Mr Cheng 'acknowledged his violation of the law', which he did in the unedited video on the Weibo website by saying he thought his offences were very embarrassing and shameful. Also, while the report did not include or refer to Mr Cheng's response to the BBC journalist's direct question as to whether he had ever visited or solicited prostitutes, we wish to bring to the CRTC's attention that, perhaps tellingly, Mr Cheng did not deny that he had done so (and does not appear to have denied elsewhere that he has visited or solicited prostitutes). In the BBC interview, Mr Cheng replies: 'I don't want to focus on a question of whether I solicit prostitution because that's exactly what they want. So, I just want to state clearly here I did nothing regrettable to the people I cherish and love. I did nothing regrettable to that.'
8/27/2013	CGTN	Peter Humphrey 韩飞龙	False information provided by CGTN	The complainant alleges that the newscaster falsely stated that Humphrey and wife were arrested for "selling personal information" when he was charged with illegally obtaining personal information.	The allegation is taken out of context, intended to support a false narrative of inappropriate behaviour on the part of CGTN.	<p>The English language news report stated that "Two private cooperate investigators Peter Humphrey and his wife Yingzeng Yu have been arrested by Shanghai police, and now face charges of obtaining and selling personal data for illegal purposes." In the accompanying CCTV report on August 27, 2013 (in Mandarin Chinese), it was accurately reported that Humphrey was charged with "illegally obtaining personal information" ("非法获取公民个人信息"). In the Chinese report, the narrator also reported that in the information CCTV received from the police, the police indicated that ChinaWhys sold the personal data. Both versions of the report are accurate.</p> <p>In fact, back to that time, the provision of "illegally obtaining personal information" in Chinese law read "where any staff member of a state organ or an entity in such a field as finance, telecommunications, transportation, education or medical treatment, in violation of the state provisions, sells or illegally provides personal information on citizens, which is obtained during the organ's or entity's performance of duties or provision of services, to others shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or criminal detention, and/or be fined. Whoever illegally obtains the aforesaid information by stealing or any other means shall, if the circumstances are serious, be punished under the preceding paragraph. Therefore, while the English language statements may have been slightly different in this particular case, this does not mean that CGTN's reports at the investigation stage were false. According to the court's judgment, it was concluded that "the two defendants repeatedly obtained citizens' personal information illegally for the purpose of making profits through producing investigation reports."</p> <p>Furthermore, we note that this report was made at the investigation stage when the final list of charges had not been determined. In Chinese criminal procedure, based on the police's final investigation results, the procuratorial organ determines whether the evidence is sufficient or not and finally determine on what crime to charge. Therefore, it is not unusual that the actions suspected of at the time of arrest to be different from the initial charges, and also different from the charges faced at the time of trial. Therefore, this does not mean that CGTN's reports at the investigation stage were false.</p>
8/27/2013	CGTN/CCTV	Peter Humphrey 韩飞龙	False information provided by CGTN/CCTV	The complainant alleges that the newscaster falsely stated that ChinaWhys had a profit of 6 million yuan.	The allegation is misleading and taken out of context, which is intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	The news reporter was merely reporting the information provided by the police. The source of the news reporter was the police.

8/27/2013	CGTN/CCTV	Peter Humphrey 韩飞龙	False information provided by CGTN/CCTV	The complainant alleges that the newscaster falsely misrepresented, or implied, that Humphrey's business as an illegal business.	The allegation is misleading and taken out of context, and is intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	We were unable to locate, in the August 27, 2013 report where the newscaster stated that "this is the first case of the Chinese police to crack [down] on a foreign registered company who are operating illegally on research and trafficking personal information." (quoting from the complaint) Regardless, this allegation stems from a misunderstanding of the context of the news report. CGTN did not represent Humphrey's business as an illegal business. It referred to the company's alleged illegal activities at the time, and did not call into question the legitimacy of the company's registration/incorporation. Furthermore, the news report was clear to present Humphrey as a criminal suspect and the illegal activity as allegations. In the relevant newscasts, the narration describing the alleged acts of the Humphreys was made in the broader context of explaining the criminal allegations against them. CGTN did not attempt to paint these allegations as fact. CGTN accurately prefaced the report 8/27/2013 by saying "...owners of a foreign private investigation firm have been arrested on charges...", and the 7/14/2014 report by saying "Prosecutors in Shanghai have indicted a foreign couple for illegally obtaining private information on the Chinese.", in both cases to indicate that the allegations have yet to be proven.
8/27/2013	CCTV	Peter Humphrey 韩飞龙	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that Shanghai police was tipped off by a member of the Chinese public.	The allegation is misleading and taken out of context, without the support of any evidence, and is intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	The report was based on information provided by the Shanghai police. There was no indication at the time that the information was false. As a source of information, statements made by police authorities are generally viewed as authoritative and trustworthy, and without credible evidence provided otherwise, CCTV has no reasonable grounds to dispute the information.
8/27/2013	CCTV	Peter Humphrey 韩飞龙	False information provided by CCTV	The complainant alleges that the news report included a police officer saying that the company was a shell company, when it obviously had assets. The complainant further alleges that this was done to distort the truth and convict Humphrey in public.	The allegation is false and misleading, intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	The police officer interviewed clearly referred to the Hong Kong company as having no assets or physical location, which fits the definition of a shell company. In any case, the information was directly provided by the police and CCTV was reporting only what the police have said.
1/18/2016	CCTV	Gui Minhai 桂敏海	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that Gui 'also' held Swedish citizenship, despite the fact that he had renounced his Chinese citizenship. The complainant further alleges that the Chinese state has repeatedly defended the detention of Gui (without mentioning his abduction from Thailand) by claiming that he is a Chinese citizen, and here CCTV intentionally distorts facts to aid the interests of the government by making this false statement.	The allegation is false and taken out of context, intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	This allegation stems from a misunderstanding of the Chinese language context. The original Chinese text here is "Gui Minhai, 51 years old, engaged in business in China for more than a decade ago and has Swedish nationality". The word "and" (并且), which can also be translated as 'also', 'furthermore' and 'besides', is a conjunctive phrase inserted between two independent clauses. However the Complainant interpreted 'and' as the newscaster saying Gui had Chinese nationality. This clearly deviates from the original meaning of Mandarin Chinese.
1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that security forces have successfully cracked down on an organization that was engaging in activities threatening national security, when Dahlin was only under investigation, and no facts had been proven in court.	The allegation is false, misleading, taken out of context, and intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	In the relevant newscast, the report on Peter Dahlin was made in the broader context of explaining the criminal allegations against him. The audience was explicitly made aware that no facts had been proven in court by the repeated references to this being an investigation, and Dahlin being a "criminal suspect". The report was prefaced by the following sentence: "Suspect of Swedish origin Peter Jesper Dahlin and others were subject to criminal enforcement measures in accordance with the law." (translated).

1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that CCTV included statements from Dahlin's coworkers without verifying the statements' authenticity.	The allegation is misleading, taken out of context, and intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	CCTV was merely reporting on information provided by the police. As a source of information, information from police authorities are generally viewed as authoritative and trustworthy, and without credible evidence provided otherwise, CCTV has no reasonable grounds to dispute the information. Furthermore, there was no indication at the time that the information was false.
1/19/2016	CCTV	Peter Dahlin 彼得达林	False information provided by CCTV	The complainant alleges that the newscaster falsely stated that Dahlin had been placed in "residential surveillance", when he was placed into "residential surveillance at a designated location" (RSDL)	The allegation is false, misleading, taken out of context, and intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	The allegation is intentionally misleading as it takes highly technical legal phrases in the Chinese language out of context. In Chinese Criminal Procedure Law, RSDL (指定居所监视居住) is a specific type/subset of residential surveillance (监视居住). It is not a separate procedure. It is accurate to refer to RSDL as 'residential surveillance' just as it is accurate to refer to a 'common law peace bond' as a 'peace bond', or a 'fuji apple' as an 'apple'.
7/6/2016	CCTV	Lam Wing-Kee 林荣基	False information provided by CCTV	The complainant alleges that CCTV showed Lam wearing civilian clothes and holding a cup of tea or coffee to disguise his prison environment.	The allegation is false, misleading, based on conjecture, and intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	The video clips used by CCTV in its report were from the police. These clips were not made or edited by CCTV/CGTN. CCTV/CGTN was merely reporting the news, and at the time of broadcasting this newscast, there was no indication and no reason to believe that Lam Wing-Kee was being treated in a manner inconsistent with Chinese law while in police custody.
7/6/2016	CGTN	Lam Wing-Kee 林荣基	False information provided by CGTN	The complainant alleges CGTN improperly and falsely published an article saying Lam's girlfriend repudiated Lam's claim that he had been forced to sign a document waiving his right to a lawyer or speak with members of his family.	The allegation does not relate to a news report broadcasted by CGTN. As such, it is irrelevant to this complaint. Furthermore, the allegation is conjecture not supported by any evidence or facts, intended to support a false narrative of inappropriate behaviour on the part of CGTN/CCTV.	The allegation is about a report published on CGTN's website, which is not relevant to the current complaint about the news report broadcasted on the CCTV/CGTN channels. Furthermore, this allegation is conjecture not supported by any evidence or fact.
8/4/2014	CGTN	Guo Meimei 郭美美	CGTN complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
8/19/2014	CGTN	Ko Chen Tung 柯震东	CGTN complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
5/2/2016	CGTN	Taiwanese Telecom Fraud Defendants 台湾电信诈骗	CGTN complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
7/15/2013	CCTV	Liang Hong 梁宏	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
8/22/2013	CCTV	Qin Huohuo 秦火火	False information (no confessions were contained in this clip)	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
9/29/2013	CCTV	Dong Liangjie 董良杰	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
6/26/2014	CCTV	Ning Caishen 宁财神	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.

6/29/2014	CCTV	Zhang Yuan 张元	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
8/19/2014	CCTV	Ko Chen Tung 柯震东	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
8/27/2014	CCTV	Nurmemet Abidilimit 买买提阿比迪力米提	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
2/1/2016	CCTV	Ding Ning 丁宁	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
4/15/2016	CCTV	Taiwanese Telecom Fraud Defendants 台湾电信诈骗	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
5/2/2016	CCTV	Taiwanese Telecom Fraud Defendants 台湾电信诈骗	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
7/19/2015	CCTV	Tursan 吐尔逊	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	This allegation is conjecture not supported by any evidence or fact. In the taped confession, we could not find any evidence that the interview was coerced. The interviewees in the videos appeared to be speaking smoothly and in a natural way.
N/A	CCTV	Ai Ke Abai Er 艾克拜尔	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	Specific allegation not stated. No evidence provided by Complainant. Unable to locate or confirm existence of the referenced broadcast.
N/A	CCTV	Jiang Tianyong 江天勇	CCTV complicit in forced confessions	The complainant alleges this clip involved a forced confession. No specific allegations or evidence was given.	The allegation is conjecture not supported by any evidence or facts.	Specific allegation not stated. No evidence provided by Complainant. Unable to locate or confirm existence of the referenced broadcast.