

China and the rule of law

Written by **BRIAN LOCKHART**

The recent and growing diplomatic rift between Canada and China over the arrest of Meng Wanzhou, chief financial officer of Huawei Technologies, certainly highlights why the West has always looked upon any Communist state with suspicion.

The arrest was met with outrage by the Chinese government who said that Meng was 'illegally detained.'

Meng was then released on bail, but is being kept under a watchful eye as she certainly has the resources to suddenly disappear during the night.

The Chinese responded by suddenly arresting up to 13 Canadians - three of whom have received national media attention - and up to 10 others whose stories really haven't made the news.

The United States, the United Kingdom and the European Union, Germany and France have all released statements supporting Canada's concerns of the detainment of two men who were arrested on 'suspicion of endangering national security.'

The Chinese foreign ministry asked, why there was no outcry when Meng was detained?

The Chinese foreign ministry spokesperson couldn't even use the phrase 'human rights' during her controlled speech. She referred to the concept as 'so-called' human rights.

Well, there's the difference right there.

Meng wasn't 'illegally detained' or picked up on some trumped up political charges. She was arrested according to law and extradition treaties and agreements between the U.S. and Canada.

The U.S. government alleges that Meng helped the company dodge U.S. sanctions on Iran and they want her to face charges.

Huawei Technologies claims it is unaware of any wrongdoing.

The Canadian government does not run the judicial system. Rather the system of judicial independence is thought to be essential to a functioning democracy.

Authorities who detained Meng did so lawfully, under court order. She hasn't been tried or convicted of anything and it's not under the authority of those who detained her to do so.

The legal process will proceed and extradition to the U.S. carried out if it is determined to be the lawful course of action.

Now China has taken the stakes up a notch, and not through 'legal means' - well, maybe legal in China, but certainly not in any country with a proper justice system.

A Canadian man who was arrested in China for drug smuggling in 2014 was tried, found guilty and sentenced to 15 years in prison. Fair enough. If you go to a foreign country and engage in that kind of illegal activity you'll pay the price.

Fifteen years in prison for international drug smuggling sounds like a reasonable sentence.

However, suddenly this week, he was told he was going to be retried. The prosecutor claimed the first trial erred and that he didn't

receive the proper sentence.

The man was brought back to court and, in a trial that lasted one day, was convicted and then sentenced to death less than an hour later.

It is assumed that this trial is the Chinese response to increasing tension over the arrest of Meng.

From 15 years in prison to a death sentence in one day is a stretch even by communist standards.

The difference is the Chinese system does not employ judicial independence. The Communist government dictates the law and can and will determine the results.

The death penalty in China doesn't even have a real precedent. It is carried out at the whim of magistrates for a variety of crimes and usually ends with a pistol shot to the back of the head while the criminal kneels beside a ditch on a country road.

Of course any nation is going to be concerned when a citizen is arrested in a foreign country, and may have an obligation to try to intervene or assist if necessary through diplomatic means.

However the difference in this case is that while one county is applying the law, the other is creating the law as it goes.