



中华人民共和国刑事诉讼法

CRIMINAL PROCEDURE LAW OF
THE PEOPLE'S REPUBLIC OF CHINA

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the People's Republic of China

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**Criminal Procedure Law of
the People's Republic of China**

Translated by
the Legislative Affairs Commission of
the Standing Committee of
the National People's Congress of the People's
Republic of China

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**Order of the President of
the People's Republic of China**

No. 64

**The Decision of the National People's Congress on
Revising the Criminal Procedure Law of the People's
Republic of China, adopted at the Fourth Session of the
Eighth National People's Congress of the People's Republic
of China on March 17, 1996, is hereby promulgated and
shall enter into force as of January 1, 1997.**

**Jiang Zemin
President of the People's Republic of China**

March 17, 1996

Criminal Procedure Law of the People's Republic of China

(Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, and revised in according with the Decision on Revising the Criminal Procedure Law of the People's Republic of China adopted at the Forth Session of the Eighth National People's Congress on March 17, 1996)

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General Provisions

Chapter I

Aim and Basic Principles

Article 1 This Law is enacted in accordance with the Constitution and for the purpose of ensuring correct enforcement of the Criminal Law, punishing crimes, protecting the people, safeguarding State and public security and maintaining socialist public order.

Article 2 The aim of the Criminal Procedure Law of the People's Republic of China is: to ensure accurate and timely ascertainment of facts about crimes, correct application of law, punishment of criminals and protection of the innocent against being investigated for criminal responsibility; to enhance the citizens' awareness of the need to abide by law and to fight vigorously against criminal acts in order to safeguard the socialist legal system, to protect the citizens' personal rights; their property

rights, democratic rights and other rights; and to guarantee smooth progress of the cause of socialist development.

Article 3 The public security organs shall be responsible for investigation, detention, execution of arrests and preliminary inquiry in criminal cases. The People's Procuratorates shall be responsible for procuratorial work, authorizing approval of arrests, conducting investigation and initiating public prosecution of cases directly accepted by the procuratorial organs. The People's Courts shall be responsible for adjudication. Except as otherwise provided by law, no other organs, organizations or individuals shall have the authority to exercise such powers.

In conducting criminal proceedings, the People's Courts, the People's Procuratorates and the public security organs must strictly observe this Law and any relevant stipulations of other laws.

Article 4 State security organs shall, in accordance with law, handle cases of crimes that endanger State security, performing the same functions and powers as the public security organs.

Article 5 The People's Courts shall exercise judicial power independently in accordance with law and the People's Procuratorates shall exercise procuratorial power independently in

accordance with law, and they shall be free from interference by any administrative organ, public organization or individual.

Article 6 In conducting criminal proceedings, the People's Courts, the People's Procuratorates and the public security organs must rely on the masses, base themselves on facts and take law as the criterion. The law applies equally to all citizens and no privilege whatsoever is permissible before law.

Article 7 In conducting criminal proceedings, the People's Courts, the People's Procuratorates and the public security organs shall divide responsibilities, coordinate their efforts and check each other to ensure the correct and effective enforcement of law.

Article 8 The People's Procuratorates shall, in accordance with law, exercise legal supervision over criminal proceedings.

Article 9 Citizens of all nationalities shall have the right to use their native spoken and written languages in court proceedings. The People's Courts, the People's Procuratorates and the public security organs shall provide translations for

any party to the court proceedings who is not familiar with the spoken or written language commonly used in the locality.

Where people of a minority nationality live in a concentrated community or where a number of nationalities live together in one area, court hearings shall be conducted in the spoken language commonly used in the locality, and judgments, notices and other documents shall be issued in the written language commonly used in the locality.

Article 10 In trying cases, the People's Courts shall apply the system whereby the second instance is final.

Article 11 Cases in the People's Courts shall be heard in public, unless otherwise provided by this Law. A defendant shall have the right to defence, and the People's Courts shall have the duty to guarantee his defence.

Article 12 No person shall be found guilty without being judged as such by a People's Court according to law.

Article 13 In trying cases, the People's Courts shall apply the system of people's assessors taking part in trials in accordance with this Law.

Article 14 The People's Courts, the People's Procuratorates and the public security organs shall safeguard the procedural rights to which participants in proceedings are entitled according to law.

In cases where a minor under the age of 18 commits a crime, the criminal suspect and the legal representative of the defendant may be notified to be present at the time of interrogation and trial.

Participants in proceedings shall have the right to file charges against judges, procurators and investigators whose acts infringe on their citizen's procedural rights or subject their persons to indignities.

Article 15 In any of the following circumstances, no criminal responsibility shall be investigated; if investigation has already been undertaken, the case shall be dismissed, or prosecution shall not be initiated, or the handling shall be terminated, or innocence shall be declared:

(1) if an act is obviously minor, causing no serious harm, and is therefore not deemed a crime;

(2) if the limitation period for criminal prosecution has expired;

(3) if an exemption of criminal punishment has been granted in a special amnesty decree;

(4) if the crime is to be handled only upon complaint according to the Criminal Law, but there has been no complaint or the complaint has been withdrawn;

(5) if the criminal suspect or defendant is deceased; or

(6) if other laws provide an exemption from investigation of criminal responsibility.

Article 16 Provisions of this Law shall apply to foreigners who commit crimes for which criminal responsibility should be investigated.

If foreigners with diplomatic privileges and immunities commit crimes for which criminal responsibility should be investigated, those cases shall be resolved through diplomatic channels.

Article 17 In accordance with the international treaties which the People's Republic of China has concluded or acceded to or on the principle of reciprocity, the judicial organs of China and that of other countries may request judicial assistance from each other in criminal affairs.

Chapter II

Jurisdiction

Article 18 Investigation in criminal cases shall be conducted by the public security organs, except as otherwise provided by law.

Crimes of embezzlement and bribery, crimes of dereliction of duty committed by State functionaries, and crimes involving violations of a citizen's personal rights such as illegal detention, extortion of confessions by torture, retaliation, frame - up and illegal search and crimes involving infringement of a citizen's democratic rights—committed by State functionaries by taking advantage of their functions and powers—shall be placed on file for investigation by the People's Procuratorates. If cases involving other grave crimes committed by State functionaries by taking advantage of their functions and powers need be handled directly by the People's Procuratorates, they may be placed on file for investigation by the People's Procuratorates upon decision by the People's Procuratorates at or above the provincial level.

Cases of private prosecution shall be handled directly by the People's Courts.

Article 19 The Primary People's Courts shall have jurisdiction as courts of first instance over ordinary criminal cases; however, those cases which fall under the jurisdiction of the People's Courts at higher levels as stipulated by this Law shall be exceptions.

Article 20 The Intermediate People's Courts shall have jurisdiction as courts of first instance over the following criminal cases:

(1) counterrevolutionary cases and cases endangering State security;

(2) ordinary criminal cases punishable by life imprisonment or the death penalty; and

(3) criminal cases in which the offenders are foreigners.

Article 21 The Higher People's Courts shall have jurisdiction as courts of first instance over major criminal cases that pertain to an entire province (or autonomous region, or municipality directly under the Central Government).

Article 22 The Supreme People's Court shall have jurisdiction as the court of first instance over major criminal cases that pertain to the whole nation.