

This Update describes two cases of police brutality and corruption, the forced psychiatric treatment of farmers that serially petitioned local government, a new judicial interpretation on commercial bribery that exposes doctors and teachers to corruption charges, a crack down against organized gang crimes, the investigation of crimes on the internet, harsh punishments for illegal blood suppliers, and the lenient treatment of a juvenile offender that resulted from a probation report.

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## Police Officers on Trial for Brutality and Corruption

The *Xinhua New Agency* reported on November 24 that four policemen stood trial in the northeastern Heilongjiang Province on charges of having beaten a suspect to death during interrogation.

The case was heard in the People's Court of Qing'an county, Suihua city. Police officers from the Qing'an police bureau were charged with beating the suspect, Li Xiangfu, with plastic and wooden sticks and then confining him with shackles, which allegedly caused death. Li was suspected of having committed a robbery-murder in May 2000.

In August 2008, three months after the arrest of the police officers who allegedly beat Li, the prosecutor in charge of the case was severely beaten on the street. According to the *Xinhua* report, the perpetrators were hired by Zhang Guangfu, vice director of the Qing'an police bureau.

[http://news.xinhuanet.com/english/200811/24/content\\_10407146.htm](http://news.xinhuanet.com/english/200811/24/content_10407146.htm)

The *Xinhua New Agency* reported on November 28 that Chen Xuming, vice director with the Public Security Bureau of Longgang District of south

China's Shenzhen City, stood trial following a night club blaze that claimed 44 lives.

According to the report, Chen was accused of taking bribes of 60,000 yuan (about 7,962 U.S. dollars) in exchange for turning a blind eye to drug dealing and prostitution at the club. During the first year after the club opened, 24 cases of crimes of public security involving drug and prostitution were reported but not investigated. Seven people were accused by the local procuratorate in connection with the deadly fire, including several police officers who were later accused of negligence (*wanhu zhishou*) and taking bribes. Their crimes were discovered after an investigation into the fire at the club that killed 44 and injured 50 on September 20.

<http://english.people.com.cn/90001/90776/90882/6542873.html>

## Eighteen Farmers Sent to Psychiatric Hospital For Petitioning Local Government

The *Beijing News* reported on December 8 that 18 people from Xintai City of Shandong province had been sent to a psychiatric hospital over the past two years for making repeated petitions to authorities in Beijing to handle local disputes. They were released only after they admitted to being mentally ill and signed a pledge not to submit any more petitions.

According to the paper, Sun Fawu, 57, a farmer seeking compensation for land spoiled by a coal-mining operation, said he was seized by local authorities on his way to petition the central government in Beijing and taken to the Xintai Mental Health Center in October. During a 20-day stay, he said, he was lashed to a bed, forced to take pills and given injections that made him numb and woozy. According to the paper, when he told the doctor he was a petitioner, not mentally ill, the

doctor said: "I don't care if you're sick or not. As long as you are sent by the township government, I'll treat you as a mental patient."

In a recent interview with the China Daily, Sun said that he had never been certified as being mentally ill. "I have worked for 34 years and nobody ever accused me of being crazy," he said. According to the report, the hospital's director, Wu Yuzhu, acknowledged that some of the 18 patients brought there by the police in recent years were not de-ranged, but he said that he had no choice but to take them in. "The hospital also had its misgivings," he said.

<http://news.sina.com.cn/c/2008-12-08/015816800838.shtml>

### **High Expectations for the New Judicial Interpretation on Commercial Bribery**

The *Legal Daily* reported on Nov. 25 that "doctors and teachers may now face bribery charges if they receive monetary and other forms of reward in exchange for favors made through their work." The warning reflects a new judicial interpretation issued jointly by the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) on November 24.

Before 2005, criminal responsibility for bribery (*shouhuizui*) applied only to government officials or employees of state companies. An SPP and SPC interpretation released in November 2005, however, included non-government officials and employees in the legal definition of commercial crimes. Public servants, state company employees and "employees of other institutions" were then made subject to commercial bribery laws. The November 24 joint interpretation further clarifies that "other institutions" include state organs, social institutions, community residents' committees, village committees and organizing committees for sports and cultural activities.

According to Han Yusheng, a professor of criminal law at Renmin University, commercial bribery was not clearly defined in law before the new judicial interpretation and many offenders were not

charged. Zhao Bingzhi, Dean of Criminal Law Institute of Beijing Normal University added, "doctors' use of high price prescriptions to generate kickbacks has long been an open secret, but whether it is a criminal act or not lacked a clear legal foundation. The new judicial interpretation permits bribery charges against non governmental workers in specific sectors."

Deng Yunlin, a lawyer from the Beijing Jinglin Law Firm believes that "the positive implication of the judicial interpretation is not limited to the inclusion of doctors and teachers in commercial bribery; it gives the first comprehensive definition of commercial bribery. As a result, the discretion of local procuratorate and court will be restricted."

An online survey shows that 74% of people believe that the judicial interpretation will help cut commercial bribes.

[http://news.xinhuanet.com/legal/2008-11/27/content\\_10420283.htm](http://news.xinhuanet.com/legal/2008-11/27/content_10420283.htm)

### **China Cracks Two Organized Crime Gangs; 74 suspects convicted**

The *Xinhua News Agency* reported on November 25 that "China's Supreme People's Court (SPC) announced on the same day that two cases involving serious organized crimes were closed and 74 suspects were convicted."

The report said that "in one case from Hubei province, the organized crime gang was engaged in illegally purchasing weapons, organizing underground casinos and manipulating transport business. They murdered five people and seriously injured another. The three prime suspects were sentenced to death by the Wuhan city court in August. The provincial court rejected the appeals on Monday and the SPC approved the death penalty on the three criminals."

The SPC statement read, "Chinese courts will remain strict in cases of organized crime." SPC President Wang Shengjun had listed organized crimes as one of the major challenges the country faced in public security in his report to the Standing Commit-

tee of the National People's Congress (NPC) in October. "The incidence of organized crimes increased rapidly in the past five years," said Wang, "contributing to the annual 2.77 percent increase of criminal cases in China."

Police across the country reported a "crackdown" (*Daji*) on gangs. In southwestern Guizhou Province, for example, the police have reportedly cracked more than 200 gangs so far this year.

[http://news.xinhuanet.com/english/2008-11/25/content\\_10412119.htm](http://news.xinhuanet.com/english/2008-11/25/content_10412119.htm)

### Harsher Punishments for Illegal Blood Suppliers

The *China Daily* reported in September 23 that a new judicial interpretation of criminal law means that "people found guilty of collecting or supplying blood, which is later found to have caused death or serious illness in the recipient, will face 10 years to life in jail."

The clarification to the law was issued jointly by the Supreme People's Court and the Supreme People's Procuratorate. Ni Shouming, spokesman for the Supreme People's Procuratorate, said the interpretation adds more details to relevant terms in the Chinese Criminal Law. "The new punishments will apply to those found guilty of collecting or supplying blood that causes at least five recipients to contract AIDS, hepatitis B, hepatitis C or syphilis virus, or causes them to suffer severe anemia, blood building obstructions or organ malfunction," according to the *China Daily*. "Blood suppliers who fail to operate according to national standards also face jail terms of less than 10 years."

An earlier report from the *Xinhua News Agency* said that "China is well known for its underground blood collection and supply gangs. In the mid-1990s, their activities were to blame for the spread of HIV/AIDS among people in the rural areas of central China." In May of last year, six people from Guangdong province were jailed for six to 18 months for operating an illegal blood donation ring. According to figures from the Ministry of Health, between September 2004 and June 2006, 19 people contracted

HIV as a result of receiving contaminated blood from a couple operating in Bei'an, a small county in Heilongjiang province.

[http://www.gov.cn/jrzq/2008-09/23/content\\_1102555.htm](http://www.gov.cn/jrzq/2008-09/23/content_1102555.htm)

### Social Inquiry Reports Help Juvenile Robber Receive Lenient Punishment

The *Jinghua Times* reported on November 11 that a 16 year old teenager was sentenced to 3 years imprisonment with 5 year suspension on charges of robbing school children of 20 Yuan (\$3) and 4 cell phones in multiple incidents. The sentence was based on a "social inquiry report" (*chengzhang baogao*) submitted to the court by a social inquiry investigator, along with other evidence.

The teenager smiled upon receiving the suspended sentence, reported the *Jinghua Times*. The family was especially relieved because, according to criminal law, the punishment for robbery committed more than 3 times is usually 10 years imprisonment. Judge Zhai Liping explained the logic of the sentence: "according to Social Inquiry Reports, the teenager was often beaten by his farther at home and abused outside. Considering the ability of the family and community to supervise him, he will be given the chance to correct himself by receiving suspended sentence."

The *Jinghua Times* report emphasized the link between social inquiry reports and the 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice, according to which, except in cases involving minor offences, governments must examine the circumstances in which the juvenile is living or the conditions under which the offence has been committed before passing sentence. China took a step toward compliance with UN rules in April 2001, when the SPC required social investigators to investigate the family background, social contacts and prior behavior of juvenile offenders.

In 2003, the Fengtai District Court of Beijing inaugurated the system of social investigators, hired 20

social instigators to prepare reports for juvenile offenders.

[http://news.xinhuanet.com/legal/2008-11/21/content\\_10391822.htm](http://news.xinhuanet.com/legal/2008-11/21/content_10391822.htm)

### **China Cracks Down on Internet Crimes Involving Guns, Pornography, and Fraud**

The *Xinhua New Agency* reported the details of a crackdown on internet crimes on November 6. According to the report, “Chinese police handled 2.4 million pieces of “harmful information” (youhai xinxi) on the web in a crackdown during the first 10 months of this year. Of the total content, there were 1.6 million pornographic items, 300,000 items related to guns or explosives and more than 200,000 items involving swindling and gambling.”

Using the online information as evidence, police uncovered more than 1,300 criminal cases, including more than 400 pornography-related crimes and more than 860 that involved guns, explosives or fraud.

The police also uncovered 55 cases of people spreading rumors on the Web and 10 cases in which swindlers sought to steal goods provided by donors in the relief efforts after the May 12 earthquake in Sichuan Province.

Officials said there had been a marked decline in the amount of harmful information on the Web owing to the crackdown. Domestic Website operators and most “netizens” had become more law-abiding, the report added.

[http://news.xinhuanet.com/newscenter/2008-11/06/content\\_10317095.htm](http://news.xinhuanet.com/newscenter/2008-11/06/content_10317095.htm)

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