

Dr Ye Feng

Dr Ye Feng recently visited the Institute as leader of a delegation from the Supreme People's Procuratorate of the People's Republic of China on a programme of workshops arranged in association with the Great Britain-China Centre. He is Director of the Institute of Procuratorial Theory, and also Secretary General of the Society of Public Prosecutors of China.

The People's Republic of China attaches great importance to fighting corruption. Dr Ye Feng is a senior member of the Supreme People's Procuratorate and has been involved with a number of important prosecutions – many of them involving the bribery of state officials. He explained the structure and powers of the principal organisations involved with combating economic crime in its various forms.

The Supreme People's Procuratorial Administration of the Central People's Government was established in 1949, along with local people's procuratorates at various levels.

After a 10 year gap during which the procuratorial organs in China were dissolved as a result of the cultural revolution, the system was re-established in 1978, and revised the following year. The work of the procuratorates covers a wide area, and their functions and powers include the following:

- the exercise of authority in cases of treason and other major crimes that seriously undermine the implementation of state policies, laws and decrees;
- investigation of cases involving graft and dereliction of duty committed by state functions, and infringements by them involving the rights of the person (e.g. false accusations, unlawful search etc.);
- reviewing cases investigated by the public security organs and state security agencies, supervising the legality of investigations, and deciding whether to prosecute;
- supervising the verdicts and sentences of the people's court in criminal cases to determine whether they conform to the law, raising grounds for appeal, and supervising sentencing;
- exercising supervision over trials of civil cases by the people's courts;
- exercising legal supervision over

administrative litigation;

- protecting the right of citizens to lodge complaints against law-breaking state functionaries.

The constitution sets out how the people's procurates should exercise their powers, and stipulates that they must operate free from interference by any administrative agency, non-governmental organisation or individual.

The Supreme People's Procuratorate is the highest procuratorial organ of state, with responsibility for directing local people's procuratorates in the provinces, autonomous regions and municipalities which come under the control of central government. Procuratorates in cities, districts and councils which operate at a local level are overseen by the SPP, which is divided into a number of principal departments as follows:

- the *Criminal Procuratorial Department*, which has wide responsibilities including the review of criminal cases with a nationwide impact (such as those involving economic crimes), the investigation of certain cases which the department feels need further explanation (e.g. instances of smuggling where a fine is imposed rather than a more serious penalty), and the study/formulation of rules for criminal procuratorial practice;
- the *General Administration for Combating Embezzlement and Bribery*, which directs the work of investigation and preparatory examination for cases of economic crime (e.g. embezzlement, bribery, misappropriation of public funds, unreported overseas savings), co-ordinates and directs investigations into the most serious cases of inter-city and inter-provincial economic crimes, responding to matters raised by procuratorates at lower levels, and formulating rules and regulations;
- the *Procuratorial Department for the Dereliction of Duty and Infringement of Citizens' Rights*, which investigates cases

involving the infringement of citizens' personal or democratic rights;

- the *Procuratorial Department for Prisons and Reformatories*, which supervises the execution of criminal verdicts and sentences, and handles matters relating to prisoners' rights;
- the *Procuratorial Department for Civil and Administrative Cases*, amongst its other functions can lodge protests to the Supreme People's Court against unjust rulings given by the courts at various levels;
- the *Procuratorial Department for Railways*;
- the *Office of Law and Policy Research*, which investigates, analyses and researches the implementation of state laws and policies relating to procuratorial practice.

In addition to these there are also various other bodies that come within the SPP, including the China Institute of Procuratorial Forensic Science and Technology, the Procuratorial Publishing House of China, and the China Institute of Procuratorial Theory where Dr Ye Feng is Director.

A number of special procuratorates exist within particular organisations, including the People's Liberation Army of China and the railway, to deal with cases of dereliction of duty and other criminal offences. The procuratorates are staffed by various levels of personnel, including a chief and deputy procurator, judicial police, and administrative support. Every people's procuratorate contains a procuratorial committee which is presided over by the chief procurator. Major cases and important issues are addressed by the committee, which makes decisions by majority vote; if the chief procurator disagrees with a decision, it is referred to the standing committee of the people's congress at the corresponding level for its decision. 

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