Criminal Justice in China and Recent Reforms
Summer Semester, 2018
Professor: Zhiyuan Guo
China University of Political Science and Law

Tentative Course Schedule and Reading Assignments

Note: This course schedule is designed for an 8 week course, which means we will focus on one topic per week and spend four hours, preferably in two classes, on each topic.

Class 1 – Introduction to Chinese Criminal Procedure Law: A Historical Review from Mao era to 1996

Reading:
2. “On the Correct Handling of Contradictions Among the People,” February 27, 1957 [Speech at the Eleventh Session (Enlarged) of the Supreme State Conference. Comrade Mao Tsetung went over the verbatim record and made certain additions before its publication in the People’s Daily on June 19, 1957.]
3. 1979 Criminal Procedure Law
4. Criminal Justice With Chinese Characteristics, Lawyers Committee For Human Rights (Gelatt) (May 1993)
6. Cai Dingjian, Social Transformation and The Development of Constitutionalism, China’s Journey Toward the Rule of Law (Chapter 2), (Brill 2012)

Class 2 – Pros and Cons of 2012 Criminal Procedure Law Reform of China

Reading
2. 2012 Criminal Procedure Law (PDF will be provided)
3. 2007 PRC Lawyer’s Law

Class 3- Police’s Role in Criminal Process of China (General)

Reading
1. 2012 CPL PRC (Westlaw)


**Class 4 - Anti-Torture Mechanisms & Exclusionary Rule of Evidence: Rules, Theories and Practice**

Reading

2. 2012 CPL PRC (Westlaw)
3. Ira Belkin, “China’s Tortuous Path Toward Ending Torture in Criminal Investigations”
4. Margaret Lewis, “Control Abuse to Maintain Control - The Exclusionary Rule in China”

**Class 5 – The Role of Prosecutors in Criminal Process**

Reading

1. 2012 Amended CPL – Chapter IV including provisions regarding pre-trial discovery
2. 2012 Amended CPL – Chapter V regarding evidence

**Class 6 – The Role of Lawyers in Criminal Process**

Reading

1. 2007 PRC Lawyer’s Law
2. 2012 CPL Chapter IV
3. Fu Hualing, “When Lawyers Are Prosecuted”
5. Gelatt, *Lawyers in China, The Past Decade and Beyond*

**Class 7 - Trial Procedure and Judicial Corruption**

Reading

1. Fu Hualing, “Institutionalizing Criminal Process in China”

**Class 8 – Rights Protection for Persons with Mental Disabilities in China**

Reading