

[Français](#)[Home](#)[Contact Us](#)[Help](#)[Search](#)[canada.gc.ca](#)[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIR's](#) | [Help](#)

26 March 2004

CHN42462.E

China: Further to CHN29937.E of 20 August 1998 on whether the Public Security Bureau (PSB) authorities and/or police officers from one province would have jurisdiction in another province; whether a Chinese citizen would have recourse against personal vendettas by law enforcement officials from outside his or her home province

Research Directorate, Immigration and Refugee Board, Ottawa

A professor of criminal justice and president of the Asian Association of Police Studies provided the following legal opinion on whether PSB authorities and/or police officers from one province would have jurisdiction in another province:

In general terms, police jurisdiction over a crime is determined by where the crime is committed. Section 15 of "Regulations on Procedures for Handling of Criminal Cases Public Security organs" (1998) ("Police Procedures") provides in pertinent parts: "Criminal cases are to be handled by the public security organs where the crime happens." However, if it is more appropriate for the case to be handled by the public security organ where the complainant resides, this is also allowed.

Within China, inter-province or inter-district [PSB] cooperation in the investigation of crime is governed by Chapter 11 - "Ban an Xidxuo" (Cooperation in Handling of Cases) - of Police Procedures.

When the [PSB] where a criminal complaint is filed deem[s] it appropriate to investigate, the PBS can seek assistan[ce] from other provincial [PSB] organs in the investigation of a crime. (Section 309 of Police Procedures).

When the [PSB] of one province wants to make an arrest in another province, the [PSB] must prepare the necessary "*Ju Liu Zheng*" ("Detention Warrant") or "*Dibu Zheng*" ("Arrest Warrant") before making arrests in other provinces or districts. The arresting [PSB] officer of the initiating province will then be escorted and supported by [PSB] officers of the executing province (Section 314 of "Police Procedures") (19 Mar. 2004).

The author does not warrant the accurateness or correctness of the opinion. The users of this opinion rely on this opinion at his/her own risks (ibid.).

No specific information on whether a Chinese citizen would have recourse against personal vendettas by law enforcement officials from outside his or her home province could be found among the sources consulted by the Research Directorate.

However, in a statement made in the Hong Kong-based *International Anti-Corruption Newsletter*, Wang Jianming, Deputy Director-General of the Anti-Corruption Bureau of China's Supreme People's Procuratorate stated that

[a]nti-corruption units are now established at all 4 levels of procuratorates throughout the country. For the Supreme People's Procuratorate, an anti-corruption general office is established. And anti-corruption offices are set up under the provincial people's procuratorates, municipal people's procuratorates and county people's procuratorates. At present, there are about 40,000 cadres and procurators from various procuratorates throughout the country taking part in the fight against corruption (2003).

In 2003, Zhou Yongkang, Minister of Public Security, presented an "alarm[ing]" report to the President and members of the Standing Committee concerning China's policing problems (Xinhua 8 Jan. 2004). While it is unclear whether the following information comes from the report by Zhou Yongkang, Agence France Presse, citing China's "state press," reported that "460 people died and 117 were seriously injured due to abuse of power and dereliction of duty by law enforcement officials in the first 10 months of the year," revealing an increase over the 2002 statistics (11 Dec. 2003). As a result of Zhou Yongkang's report, a police "clean-up campaign" was initiated across the country (Xinhua 8 Jan. 2004). A reported "33,761 unqualified policemen ... and ... 10,940 sub-standard workers [from] public security departments" were subsequently let go from their positions between the months of August and November (ibid.). By the end of 2003, 273 police officers had been fired and 616 punished "for gambling, drinking on duty, drunk driving and carrying guns off duty" and another "519 police cadres received disciplinary penalties for corruption" (ibid.). A 5 January 2003 AFP article reported that a total of 24,000 police officers had been brought to trial in China since 1998.

Premier Wen Jiabao continues to vow to fight corruption during his term in office (Xinhua 14 Mar. 2004), but as Human Rights Watch notes, as recently as the SARS outbreak, China has shown itself to suffer from a "poorly functioning justice system, widespread official corruption...and a culture of impunity for officials and their families" (1 Jan. 2004). Moreover, in Transparency International's *Corruption Perceptions Index 2003*, which measures perceptions of the degree of corruption in a country based on input from business people, academics and risk analysts, China ranked a low 3.4 out of 10, where 0 is considered "highly corrupt" (7 Oct. 2003).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

References

Agence France Presse (AFP). 11 December 2003. "Abuse of Power by Police Leads to 460 Deaths in China This Year." (Dialog)

_____. 5 January 2003. "China Cracks Down on Criminals, Corrupt Officials." (Dialog)

Human Rights Watch (HRW). 1 January 2004. "Human Rights Overview: China." <<http://www.hrw.org/english/docs/2003/12/31/china7001.htm>> [Accessed 25 Mar. 2004]

International Anti-Corruption Newsletter [Hong Kong]. 2003. Issue 1. "Supreme People's Procuratorate Anti-Corruption in China Update." <<http://www.icac.org.hk/news/issue13eng/button5.htm>> [Accessed 25 Mar. 2004]

Professor, Department of Public Affairs, University of Wisconsin (Oshkosh). 19 March 2004. Correspondence.

Transparency International (TI). 7 October 2003. "Corruption Perceptions Index 2003." <<http://www.transparency.org/cpi/2003/cpi2003.en.html>> [Accessed 25 Mar. 2004]

Xinhua. 14 March 2004. "Chinese Premier Vows to Further Crackdown on Corruption." <http://service.china.org.cn/link/wcm/Show_Text?info_id=90294&p_qry=corruption> [Accessed 25 Mar. 2004]

_____. 8 January 2004. "33,761 Unqualified Policemen Dismissed in Clean-Up Campaign." <http://service.china.org.cn/link/wcm/Show_Text?info_id=84250&p_qry=corruption%20and%20bureau> [Accessed 25 Mar. 2004]

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.

[Top of Page](#)

[Important Notices](#)