

Working with Chinese Prosecutors
Sixth Year of the Canada-China Criminal Justice Cooperation Program

By Vincent Yang

The International Centre's Canada-China Criminal Justice Cooperation Program entered its sixth year in October 2000. In history, this is the first ever Sino-Canadian program of cooperation in the area of criminal justice. Since its launch in October 1995, with funding support from the Canadian International Development Agency and the Ford Foundation, the International Centre has provided assistance through the various components of this multi-dimensional Program to legal reforms, policy development and professional training in China.

An important component of the Program is to work with Chinese public prosecution agencies for the promotion of fair trial, crime prevention, and protection of human rights in criminal justice. The Chinese prosecution service, formally called "the procuratorates" in Chinese, is a powerful system of agencies not only responsible to criminal prosecution but also in charge of the approval of arrest warrants, investigation of corruption and other crimes committed by state officials, legal supervision of the correctional service, as well as "supervision" of civil and administrative litigations.

In 1995, the International Centre became the first Canadian institution to engage in a project of cooperation with the Chinese prosecution service. This cooperation started at the national level, with the National Prosecutors Training Centre of China. In 1996, the International Centre hosted the first Chinese Prosecutions Education Delegation to Canada. In the same year, Mr. Daniel Prefontaine, Q.C., Prof. Paul Brantingham, Mr. David Winkler and Dr. Vincent Yang became the first Canadians delivering lectures to prosecutors in China. In 1997, ICCLR sent the first foreign visitors to the newly named National Prosecutors College of China. Since then, series of lectures were delivered by Canadian experts to hundreds of senior Chinese prosecutors at this College and provincial training centres. In the same year, the College appointed Dr. Yang its first Foreign Visiting Professor with an approval of the Supreme People Procuratorate (SPP), China's top authority of the procuratorial system.

The SPP gave its endorsement to the Program in 1995 and since then has sent five delegations of chief prosecutors to visit the International Centre in Canada. In open occasions, the SPP acknowledged the Centre as "the bridge" of cooperation between Chinese and Canadian prosecution services. In total, ICCLR experts conducted over thirty-six visits to the College and the procuratorates in the past three years, including six provincial procuratorates in China and involving many Canadian prosecutors. These visits have helped Canada and China to establish and improve relationship for their prosecution and law enforcement agencies.

The year of 1999-2000 saw continuing progress in the cooperation with the Chinese procuratorates:

- In April and June 2000, ICCLR hosted two SPP delegations led by Mr. Lin Youhai, Chair of the National Prosecutors College, and Mr. Liu Youshen, Director General

of Procuracy Daily, consisted of four VPs of provincial procuratorates and 15 other officials.

- In May 2000, at the invitation of the SPP, Mr. Prefontaine and Dr. Yang from the International Centre delivered a series of lectures on criminal procedure and organized crime to over 400 Chinese prosecutors in Beijing, Shanghai, Chongqing and Wuhan.
- In September 1999, Ms. Eileen Skinner and Dr. Yang participated in the Fourth International Association of Prosecutors Conference in Beijing and joined with two other experts to deliver an international seminar on crimes against children, transnational crime, prosecution of serious fraud cases and internet crime to over 100 legal professionals at the National Prosecutors College.
- In 1999-2000, Dr. Yang gave four special lectures on prosecution and criminal justice to over 400 legal experts and graduate students at China University of Political Science and Law and the national police academy.
- In 1999, with Prof. Chen Guangzhong, Mr. Prefontaine, Dr. Bian Jianlin and Dr. Yang as co-editors, a book on the control of financial fraud was published in China, which included the proceedings of the 1998 Beijing International Symposium on Financial Fraud.
- In 1999, with Dr. Bian and Dr. Yang as co-proofreaders, the Chinese translation of the entire 840-section Canadian Criminal Code was published for training and research purposes in China.
- In 1999, Dr. Yang joined professors of the Prosecutors College in producing a textbook on comparative prosecution for the training of prosecutors in China. This book was completed and published in 2000.

In addition to the work with the Chinese procuratorates, the China Program also progressed in other fields in 1999-2000:

- A Sino-Canadian case study was launched with the Beijing Centre for Criminal Law and Justice to publish a comparative book on fair trial.
- A comparative research was launched with the Beijing Centre to publish a book on key issues in improving the system of punishment under the substantive criminal law in line with well-recognized international standards.
- Exchange visits and seminars were organized with Canadian and Chinese correctional services (see Brian Tkachuk's report in this issue of the ICCLR Newsletter). A book on comparative corrections will be published soon in China.

Many Canadian institutions have contributed to the various activities of this ground-breaking Program, including the Department of Justice, the Ministry of Attorney General of British Columbia, the Royal Canadian Mounted Police, the Correctional Service of Canada and the National Parole Board, the Law Faculties of the University of British Columbia and the University of Victoria, the School of Criminology of Simon Fraser University, members of the Board of Directors of the International Centre and many other governmental agencies and legal institutions. The China Program has not only demonstrated the International Centre's commitment to a constructive discourse with Chinese law and justice institutions, but also exhibited Canada's effort in promoting the cooperation with China in the area of law, governance and human rights.