

China bans evidence by force from court

China on Tuesday released a regulation on exclusion of illegally-obtained evidence in criminal cases, banning confessions by torture and forced self-incrimination.

The document was jointly issued by the Supreme People's Court (SPC), the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice, in a bid to curb wrongful convictions and safeguard human rights.

According to the regulation, it is illegal for police or prosecutors to extort confessions through torture, threats or cheating. Forced self-incrimination is also prohibited.

Confessions, witness testimonies and depositions of victims obtained by force will no longer be accepted as evidence.

Audio and visual recordings must be made of interrogations of those implicated in serious criminal cases, in which death penalty or life imprisonment could be meted out, the regulation said, adding that all original recordings should be kept intact.

Criminal suspects and their defenders are allowed to apply for illegal evidence to be ruled out during the investigation, it said.

Prosecutors are required to inquire suspects in major cases and examine whether they have been forced to confess or confronted illegal evidence collection before the conclusion of investigation, the document said.

Judges should ensure all evidence held up in court is legitimate and valid, according to the regulation.

The regulation will help judicial organs collect, examine and use evidences in accordance with law, said the SPC.