

中华人民共和国刑事诉讼法（一）金融英语考试 PDF转换可能丢失图片或格式，建议阅读原文

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中华人民共和国刑事诉讼法 CRIMINAL PROCEDURE LAW OF THE PEOPLES REPUBLIC OF CHINA (Adopted at the Second Session of the Fifth National Peoples Congress on July 1 , 1979 , promulgated by Order No.6 of the Chairman of the Standing Committee of the National Peoples Congress on July 7 , 1979 , and effective as of January 1 , 1980) (Editors Note : This Law was revised by the Decision of the National Peoples Congress on Amendments of the Criminal Procedure Law of the Peoples Republic of China promulgated on March 17 , 1996) 时效性：已被修正 颁布日期：19790701 实施日期：19800101 失效日期：19970101 颁布单位：全国人大 Contents Part One General Provisions Chapter I The Guiding Ideology , Aim and Basic Principles Chapter II Jurisdiction Chapter III Withdrawal Chapter IV Defence Chapter V Evidence Chapter VI Compulsory Measures Chapter VII Incidental Civil Actions Chapter VIII Time Periods and Service Chapter IX Other Provisions Part Two Filing a Case , Investigation and Initiation of Public Prosecution Chapter I Filing a Case Chapter II Investigation Section 1 Interrogation of the Defendant Section 2 Questioning of the Witnesses Section 3 Inquest and Examination Section 4 Search Section 5 Seizure of Material Evidence and Documentary Evidence Section 6 Expert Evaluation Section 7 Wanted Orders Section 8 Conclusion of Investigation Chapter III

Initiation of Public Prosecution Part Three Trial Chapter I Trial Organizations Chapter II Procedure of First Instance Section 1 Cases of Public Prosecution Section 2 Cases of Private Prosecution Chapter III Procedure of Second Instance Chapter IV Procedure for Review of Death Sentences Chapter V Procedure for Trial Supervision Part Four Execution Part One General Provisions Chapter I The Guiding Ideology , Aim and Basic Principles Article 1 The Criminal Procedure Law of the Peoples Republic of China , which takes Marxism-Leninism-Mao Zedong Thought as its guide and the Constitution as its basis , is formulated in the light of the concrete experiences of the people of all Chinas nationalities in carrying out the peoples democratic dictatorship , led by the proletariat and based on the worker-peasant alliance , that is , the dictatorship of the proletariat , and in accordance with the actual need to strike the enemy and protect the people. Article 2 The aim of the Criminal Procedure Law of the Peoples Republic of China is to ensure that the facts of crimes shall be accurately and promptly ascertained , that the application of law shall be correct and that criminals shall be punished ; to guarantee that innocent people shall not under go criminal prosecution ; to educate citizens to voluntarily observe the law and actively struggle against criminal acts , in order to uphold the socialist legal system ; to protect the citizens rights of the person , democratic rights and other rights ; and to guarantee the smooth progress of the cause of the socialist revolution and socialist construction. Article 3 The public security organs shall be responsible for investigation , detention and preliminary

examination in criminal cases. The peoples procuratorates shall be responsible for approving arrests , conducting procuratorial work (including investigation) and initiating public prosecution. The peoples courts shall be responsible for adjudication. No other organ , organization or individual shall have the right to exercise such powers. In conducting criminal proceedings , the peoples courts , the peoples procuratorates and the public security organs must strictly observe this Law and any relevant stipulations of other laws.

Article 4 In conducting criminal proceedings , the peoples courts , the peoples procuratorates and the public security organs must rely on the masses , base themselves on facts and take the law as the criterion. The law applies equally to all citizens and no privilege whatsoever is permissible before the law.

Article 5 In conducting criminal proceedings , the peoples courts , the peoples procuratorates and the public security organs shall divide the responsibilities , coordinate their efforts and check each other to ensure the correct and effective enforcement of the law.

Article 6 Citizens of all nationalities shall have the right to use their native spoken and written languages in court proceedings. The peoples courts , the peoples procuratorates and the public security organs shall provide translations for any party to the court proceedings who is not familiar with the spoken or written language commonly used in the locality. Where people of a minority nationality live in a concentrated community or where a number of nationalities live together in one area , court hearings shall be conducted in the spoken language commonly used in the locality , and judgments ,

notices and other documents shall be issued in the written language commonly used in the locality. Article 7 In trying cases , the peoples courts shall apply the system whereby the second instance is final. Article 8 Cases in the peoples courts shall be heard in public , unless otherwise provided by this Law. A defendant shall have the right to defence , and the peoples courts shall have the duty to guarantee his defence. Article 9 In trying cases , the peoples courts shall apply the system of peoples assessors taking part in trials in accordance with this Law. Article 10 The peoples courts , the peoples procuratorates and the public security organs shall safeguard the procedural rights to which participants in proceedings are entitled according to law. In cases where a minor under the age of 18 commits a crime , the legal representative of the defendant may be notified to be present at the time of interrogation and trial.

Participants in proceedings shall have the right to file charges against judicial , procuratorial and investigatory personnel whose acts infringe on their citizens procedural rights or subject their persons to indignities. Article 11 In any of the following circumstances , no criminal responsibility shall be investigated ; if investigation has already been undertaken , the case shall be dismissed , or prosecution shall not be initiated , or innocence shall be declared :

(1) if an act is obviously of minor importance , causing no serious harm , and is therefore not deemed a crime ; (2) if the limitation period for criminal prosecution has expired ; (3) if an exemption of criminal punishment has been granted in a special amnesty decree ; (4) if the crime is to be handled only upon

complaint according to the Criminal Law , but these has been no complaint or the complaint has been withdrawn ; (5) if the defendant is deceased ; or (6) if other laws or decrees provide an exemption from investigation of criminal responsibility. Article 12 Provisions of this Law shall apply to foreigners who commit crimes for which criminal responsibility should be investigated. If foreigners with diplomatic privileges and immunities commit crimes for which criminal responsibility should be investigated , those cases shall be resolved through diplomatic channels. Chapter II Jurisdiction Article 13 Minor criminal cases that are to be handled only upon complaint or do not require an investigation shall be directly accepted and may be mediated by the peoples courts. Cases involving crimes of corruption , violation of the citizens democratic rights and dereliction of duty , as well as other cases which the peoples procuratorates consider necessary to handle directly themselves shall be placed on file by the peoples procuratorates , which shall conduct investigation and decide whether or not to initiate a public prosecution. All cases other than those provided in the two preceding paragraphs shall be investigated by the public security organs. Article 14 The basic peoples courts shall have jurisdiction as courts of first instance over ordinary criminal cases ; however , those cases which fall under the jurisdiction of the peoples courts at higher levels as stipulated by this Law shall be exceptions. Article 15 The intermediate peoples courts shall have jurisdiction as courts of first instance over the following criminal cases ; (1) counterrevolutionary cases ; (2) ordinary criminal cases

punishable by life imprisonment or the death penalty ; and (3) criminal cases in which the offenders are foreigners or in which Chinese citizens have infringed upon the lawful rights of foreigners.

Article 16 The higher peoples courts shall have jurisdiction as courts of first instance over major criminal cases that pertain to an entire province (or municipality directly under the Central Government , or autonomous region) 。

Article 17 The Supreme Peoples Court shall have jurisdiction as the court of first instance over major criminal cases that pertain to the whole nation.

Article 18 When necessary , peoples courts at higher levels may try criminal cases over which peoples courts at lower levels have jurisdiction as courts of first instance ; they may also transfer criminal cases over which they themselves have jurisdiction as courts of first instance to peoples courts at lower levels for trial. If a peoples court at a lower level considers the circumstances of a criminal case in the first instance to be major or complex and to necessitate a trial by a peoples court at a higher level , it may request that the case be transferred to the peoples court at the next higher lever for trial.

Article 19 A criminal case shall be under the jurisdiction of the peoples court in the place where the crime was committed. If it is more appropriate for the case to be tried by the peoples court in the place where the defendant resides , then that court may have jurisdiction over the case.

Article 20 When two or more peoples courts at the same level have jurisdiction over a case , it shall be tried by the peoples court that first accepted it. When necessary the case may be transferred for trial to the peoples court in the principal place where the crime was

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