

Keeping Pace with the Times while Emphasizing Key Points to Make New Progress in Combating Crimes of Corruption and Bribery

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Respected Commissioner Timothy Tong Hin-ming,
Distinguished guests,
Ladies and gentlemen:

First of all, allow me, on behalf of the Supreme People's Procuratorate of the People's Republic of China, to congratulate the 5th ICAC Symposium! I would like to extend my heartfelt thanks to Dr Timothy Tong Hin-ming and all colleagues of the Independent Commission Against Corruption (ICAC) all for your hard work and contribution towards the preparation and smooth convening of the symposium.

To fight corruption and create a clean society is not only a common aspiration of the world people, but also a common problem faced by all government. In recent years, with the effective implementation of the United Nations Convention against Corruption in all members and the establishment and cooperation of various international and regional anti-corruption organizations and mechanisms, the international society has carried out effective cooperation in the effective punishment and prevention of corruption and made new progress. The Chinese government has unswervingly promoted the construction of a clean and honest administration and the anti-corruption campaign and attached great importance to international cooperation in anti-corruption. As one of important departments to combat the corruption crime, the procuratorial organs in China have been committed themselves to taking various measures to prevent and punish the crime of corruption, and developing new channels of international judicial cooperation in anti-corruption. I would like to take this opportunity to share the experience and practice of China's procuratorial organs in anti-corruption with

guests and talk about the plans and priorities in the future work.

1. Strengthening the functions and improving the mechanism to perfect the system of anti-corruption

To punish the crimes of corruption and bribery, a special department against corruption and bribery is set up in not only the Supreme People's Procuratorate but also the people's procuratorates at various local levels. Marked with the establishment of the first Bureau against Corruption and Bribery of the People's Procuratorate of Guangdong Province in 1989 and the General Administration against Corruption and Bribery of the Supreme People's Procuratorate renamed from department against Corruption and Bribery in 1995, Chinese procuratorial work against corruption and bribery entered into a new historical period. So to speak, as a department of China's procuratorial organ, the department against corruption and bribery is responsible for placing the case involving corruption and bribery on file for investigation. In the case of jurisdiction, the

Supreme People's Procuratorate places the nationwide major cases on file for investigation; the people's procuratorates of all provinces, autonomous regions, municipalities directly under the Central Government place the major cases within the province (autonomous region or municipality directly under the Central Government) on file for investigation; branches of the people's procuratorates of provinces, autonomous regions, and municipalities directly under the Central Government, and people's procuratorates of autonomous prefectures and cities directly under the provincial governments place the major cases in their own areas on file for investigation; people's procuratorates of counties, cities, autonomous counties and municipal districts place other cases in their own areas on file for investigation.

The department against corruption and bribery of China's procuratorial organ exercises the following functions and powers:(1) accept and examine the clue which any unit or individual provides or any offender who gives himself up provides, or make a preliminary investigation for the clue to verify if necessary; (2) decide

on filing a case for investigation of the clue that meet the conditions provided by law based on the analysis and judgment of the materials obtained from preliminary investigation; (3) issue a warrant to compel the appearance of the criminal suspect or defendant involving corruption and bribery, order him to obtain a guarantor pending trial or subject him to residential surveillance, or to detain or arrest; search the person, belongings and residence of the criminal suspect and anyone who might be hiding a criminal or criminal evidence, as well as other relevant places and request any unit or individual to hand over material evidence or documentary evidence which may prove the criminal suspect guilty or innocent; seize the articles and documents which are relevant to the case; (4) issue a wanted order or ask in writing international organizations including Interpol to assist in pursuing him for arrest if a criminal suspect who should be arrested is a fugitive; and (5) transfer the case to the public prosecution department of procuratorial organ for examination and prosecution after an investigation a case is concluded.

As an in-house department of China's procuratorial

organ, the department against corruption and bribery is subordinated to the leadership of a people's procuratorate at the same level and subject itself to the leadership of the department against corruption and bribery of a people's procuratorate at a higher level in professional work. Major matters are submitted to the chief procurator for decision or approval or to the procuratorial committee for deliberation and decision.

2. Keeping pace with the times and laying equal stress on both punishment and prevention to intensify to prevent and deal with the cases of corruption and bribery

In the 1990s, the procuratorial organs in China focused on the major cases of the Party and government organs, administrative organs, judicial organs, financial institutions, state-owned enterprises, real estate, land leasing and project construction contract and obvious achievements were made. In recent years, to adapt to economic and social development and the trend of the criminal cases, China's procuratorial organs has enhanced to deal with the major cases of land leasing,

project construction, government procurement, medical purchase and sale, development and distribution of resources, the Party and government organs, agricultural areas, and the people's livelihood and benefit so that the national anti-corruption construction was promoted effectively. According to the requirements of the rule of law and anti-corruption construction development, China's procuratorial organs concentrate their efforts on strengthening the construction in integration of anti-corruption investigation, standardization of law enforcement, scientific management, modernization of equipment and professionalization on the anti-corruption personnel, and strengthening the supervision and control over investigation activities, including adoption of a people's supervisor system and a synchronous video and audio recording system used for interrogation and strengthen the internal control system, and standardization and scientization in investigation work is continuously improved.

In the practice against corruption and bribery, the procuratorial organs in China uphold law enforcement and dealing with cases as the central task and further

strengthen the measures to investigate and deal with cases. Firstly, upholding the combination of the specialized work with the public lays a solid social foundation for the punishment of crimes of corruption and bribery. China's procuratorial organs, according to the characteristics of the crime of corruption and bribery, establish an offence reporting system with telephone numbers, post box and website published for public supervision, and adopt the system of keeping on duty for 24 hours and keeping confidential for reporters so as to provide an effective platform for the public to participate in the punishment of crimes of bribery and corruption and to widen the channels of the procuratorial organs in obtaining the clues of crime of corruption and bribery. Secondly, enhancing the research and analysis on the developing and changing law of corruption and bribery crime to grasp key areas and places liable to or frequent to the corruption and bribery crime on a timely basis and organize dealing with the cases. Thirdly, establishing and perfecting the work mechanism of the integration of investigation, setting up a command center of major cases investigation, exercising unified management over

the clue, unified organization and command over investigation and unified deployment of investigators and investigation equipment to form a working pattern with cooperation each other and uniting from top to bottom to investigate the major crimes of corruption and bribery. China's procuratorial organs actively carry out prevention of the crime of corruption and bribery while dealing with cases. For this purpose, the Supreme People's Procuratorate also sets up a crime prevention department to guide the national procuratorial organs to prevent crime by taking advantage of duty. According to the anti-corruption policy of the State for "addressing both symptoms and root causes of corruption and taking comprehensive measures to rectify both, attaching equal importance to punishment and prevention and paying attention to the prevention", China's procuratorial organs adhere to put the crime prevention in the significant place, study the characteristics and law of exposed cases while dealing with cases, strengthen the legal education in clean government and the analysis of typical cases, actively submit procuratorial proposals to the unit that expose cases and the relevant competent

departments for improvement of system, making their works better and preventing the crimes of bribery and corruption, and curbing corruption and bribery crime from the source. Just last year, China's procuratorial organs, in combination with the situation of post crime, submitted 41864 preventive proposals to the units concerned and carried out warning education for 38 million person-time.

In recent years, China's procuratorial organs have achieved an obvious effect by taking effective measures and strengthening the handling of cases. Just last year, China's procuratorial organs dealt with 32567 cases of corruption and bribery, placed on file for investigation of 10542 cases of commercial bribery relating to State functionaries to promote the in-depth development of anti-corruption work and safeguard smooth development of national economy.

3. Size up the situation, lay stress on the key points and create the new situation of anti-corruption continuously

In recent years, China government has made great efforts to punish and prevent corruption and bribery

crime so that the crime of corruption and bribery has been effectively stopped on the whole and affirmed and praised by the international community. However, as matters stand, there is liable to or frequent to the crime of corruption and bribery in some places and areas, and many new situations and characteristics appear. In view of the current situation, China's procuratorial organs will continue to adhere to take the law enforcement as the central task, put case handling in the more prominent place, and focus on the following five types of crimes: Firstly, in respect of subject of crime, focus on dealing with the cases of corruption and bribery relating to government functionaries, especially relating to leading bodies and leading cadres; Secondly, in respect of criminal nature, focus on dealing with bribery crime in trading power for money, strengthen combating the crime of giving a bribe while punishing the crime of accepting a bribe; Thirdly, in respect of means of crime, focus on dealing with corruption and bribery cases of seeking personal gain by taking advantage of power of assignment of personnel, power of administrative examination and approval, power of administrative law

enforcement and judicial power, especially the cases of departments and positions with concentration of power; Fourthly, in respect of criminal area, focus on dealing with the corruption and bribery cases of engineering construction, real estate development, energy, water conservancy, environmental protection, energy saving and emission reduction, financial, securities and other national key investment areas and capital-intensive industries, the assignment of the right to use land, mineral products resource development, the transaction of state-owned property rights, and government procurement, and cultural sphere, especially the cultural infrastructure construction and culture management of law enforcement; Fifthly, in respect of criminal damage and consequences, focus on dealing with the corruption and bribery case involving in State subsidies in favor of people, education, employment, health, land acquisition and removal & resettlement, safety in production, alleviating poverty through development, social security and housing project for low-income families, which infringes people's livelihood and the legitimate rights and interests of the public, to strengthen deterrence and

containment in dealing with cases.

To further promote the anti-corruption work, the procuratorial organs in China will earnestly implement the national anti-corruption policies and fulfill the following major tasks to make new progress in the work against corruption and bribery: Firstly, make further efforts to deal with cases to maintain high-pressure situation of crime punishment. Organize the procuratorial organs to carry out the special campaign on investigation and prevention of duty crime related to agriculture and areas in favor of people while vigorously promoting the sole rectification of commercial bribery and the outstanding problem in engineering construction, and give full play to the integration of investigation mechanism to promote to carry out the work of dealing cases in greater depth and effectively. Secondly, strengthen the standardization of investigation to ensure the quality and safety of handling cases. Seriously implement the revised criminal procedure law, pay equal attention to punishing crimes and protecting human rights in the course of dealing with the cases of corruption and bribery, uphold the rational and civilized

law enforcement, and enhance the quality and credibility of the law enforcement. Thirdly, vigorously promote the modernization of investigation means and earnestly transform investigation method. Accelerate the construction of investigation information sharing mechanism, actively explore the application of modern investigation equipment and technology in dealing with cases and further improve the content of science and technology. Fourthly, strengthen scientific management of investigation and strive to raise the control level of dealing with cases. Comprehensively promote the information management of work flow in investigation to effectively deal with and resolve the possible risks in law enforcement and dealing with cases and improve the management level of investigation. Fifthly, strengthen the construction of anti-corruption troops and vigorously strengthen the special operations and the quality training to constantly improve the comprehensive quality and ability of law enforcement officers.

4. Strengthen cooperation and emphasize practical results to constantly develop new channels

of international judicial assistance of anti-corruption

At present, the corrupt crime towards organized and transnational development is more obvious and seriously impacts on the political, economic and social development in the world. Further developing international cooperation and judicial assistance, maximizing to chase the escaped criminal and recover the fruits of the crime and uprooting the evil of corruption has become a common aspiration and urgent demand of anti-corruption law enforcement authorities of all countries and regions.

The procuratorial organs in China has attached great importance to cooperation and exchange with anti-corruption organs, judicial organs and law enforcement agencies of all countries and relevant international organizations in the field of anti-corruption and strengthened international cooperation in anti-corruption through treaties, conventions and other direct cooperation mechanism to tamp foundation of cooperation and improve the efficiency of assistance: Firstly, the procuratorial organs in China actively send delegations to the conferences and forums of the United

Nations, APEC and other international organizations, and take the initiative to undertake some international anti-corruption conference, to discuss on the situation of international crimes of corruption and bribery and exchange law enforcement information with the anti-corruption law enforcement agencies of all countries and relevant international organizations and promote mutual communication and understanding. Secondly, China's procuratorial organs perform the obligations of relevant treaties and conventions faithfully, effectively promote the implementation of anti-corruption international treaties and conventions. The Supreme People's Procuratorate is the central organ for liaison of the United Nations Anti-Corruption Convention and 13 agreements for judicial assistance, and signed direct cooperation agreements with the attorney general's office or the judicial law enforcement agencies of 93 countries. Under the framework of foresaid treaties, agreements and conventions, the procuratorial organs in China cooperate with the procuratorial organs or judicial organs of the United States, Australia, Russia, Singapore, South Korea, Thailand, Vietnam or other countries in the

field of judicial assistance in anti-corruption cases each year and have achieved apparent effect. Thirdly, China's procuratorial organs make full use of the cooperation platform of Interpol and Sino-US law enforcement cooperation joint liaison group to initiate the creation of China - ASEAN Member States attorney general meeting, attorney general meeting of members of the Shanghai cooperation organization and regional criminal judicial cooperation mechanism of procuratorial organs in border areas. The foresaid cooperation mechanisms play an important role in improving the efficiency of criminal judicial assistance and effectively combating corruption crime. Fourthly, to effectively implement the United Nations Anti-Corruption Convention and provide a platform for anti-corruption law enforcement cooperation of anti-corruptions authorities around the world, under the auspices of the United Nations, the Supreme People's Procuratorate established the International Association of Anti-Corruption Authorities (IAACA) in 2006, and hosted the 1st Annual Meeting and Congress of IAACA, which not only marked a major step forward in participation in international cooperation in

anti-corruption, but also marked that the international anti-corruption cooperation has entered a new stage of development. IAACA actively explored new ways of the international anti-corruption cooperation, held training courses, seminars and annual conferences in various forms to improve the ability of anti-corruption authorities of all countries and regions to combat corruption, and deepen all-round cooperation between anti-corruption law enforcement authorities of all countries and regions and promote the international anti-corruption cooperation in depth. In addition, IAACA has published *the Directory of Anti-Corruption Authorities in the World*, *Collection of World Regulations Anti-Corruption* and *Collection of International Statutes on Anti-Corruption*, which provide intellectual support for all countries and regions and international organizations to carry out anti-corruption struggle and anti-corruption international cooperation.

Ladies and Gentlemen:

Anti-corruption is a long-term and arduous task and requests the anti-corruption law enforcement authorities of all countries and regions to strengthen cooperation,

persevere, and make unremitting efforts. The Chinese delegation would like to share the successful experience of anti-corruption and discuss the outstanding problems faced by us and the ways and measures of controlling corrupt crimes and deepening mutual cooperation with delegates to offer numerous proposals and suggestions for promoting the international community to crack down on corrupt crime and improve the international anti-corruption cooperation.

Thank you!