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CENTRAL INTELLIGENCE AGENCY

[redacted]

REPORT [redacted] 50X1-HUM

CD NO. 50X1-HUM

COUNTRY China

DATE OF INFORMATION 1952

SUBJECT Political - Judicial system, organization

DATE DIST. 19 Nov 1954

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NO. OF PAGES 10

50X1-HUM

SUPPLEMENT TO REPORT NO.

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CHINESE COMMUNIST JUDICIAL SYSTEM

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The over-all judicial system of Communist China is subdivided into the court, administrative, and investigative systems. As reproduced in the chart below, the source chart does not clearly show the next steps in the breakdown, but it is known that under the court system are the military tribunals and the Supreme People's Court with its various regional, provincial, special administrative district, and hsien branch courts. The court system also includes the people's tribunals which are concerned with land reform and the Three Antis and Five Antis Movements.

To the administrative system belong the Ministry of Justice, together with its branches in the administrative areas, and the Commission of Law.

Under the investigative system is the Office of the People's Procurator General, with its branches in the administrative areas, provinces, special administrative districts, and hsiens.]

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COURT SYSTEM
BASICALLY THREE LEVELS, TRIAL AND APPEAL

- **MILITARY TRIBUNALS**
  - TYPE — ESTABLISHED DURING PERIODS OF MILITARY CONTROL
  - UNITS — IN ALL AREAS: MILITARY CONTROL COMMITTEES AND "BANDIT" EXTERMINATION DEPARTMENTS
  - DUTY — REPRESS ANTI-COMMUNIST MOVEMENTS
  - BASIS OF JUDGMENT — REGULATIONS FOR THE PUNISHMENT OF COUNTER-REVOLUTIONARIES
- **COURTS**
  - SUPREME PEOPLE'S COURT (COURT OF 3D INSTANCE)
    - ORGANIZATION — ONE CHIEF JUSTICE, 2-4 DEPUTY CHIEF JUSTICES, 13-21 [illegible], ONE SECRETARY-GENERAL
      - CIVIL COURT
      - CRIMINAL COURT
      - SPECIAL COURT
    - JURISDICTION
      - STRICTLY SUPERVISES JUDICIAL PROCEDURE OF COURTS ON ALL LEVELS
      - HANDLES APPEALS FROM JUDGMENTS RENDERED BY PROVINCIAL COURTS IN CIVIL AND CRIMINAL CASES
      - IMPORTANT CIVIL AND CRIMINAL CASES INVOLVING THE NATIONAL SECURITY
      - IS COURT OF FIRST INSTANCE IN CIVIL AND CRIMINAL CASES
      - RENDERS DECISIONS IN CIVIL AND CRIMINAL CASES INVOLVING CENTRAL PEOPLE'S GOVERNMENT
      - JUDGES DECIDED AND UNDECIDED CIVIL AND CRIMINAL CASES ON ALL COURT LEVELS
      - DEPUTES COURTS OF INQUIRY TO SETTLE CIVIL AND CRIMINAL CASES ON ALL COURT LEVELS

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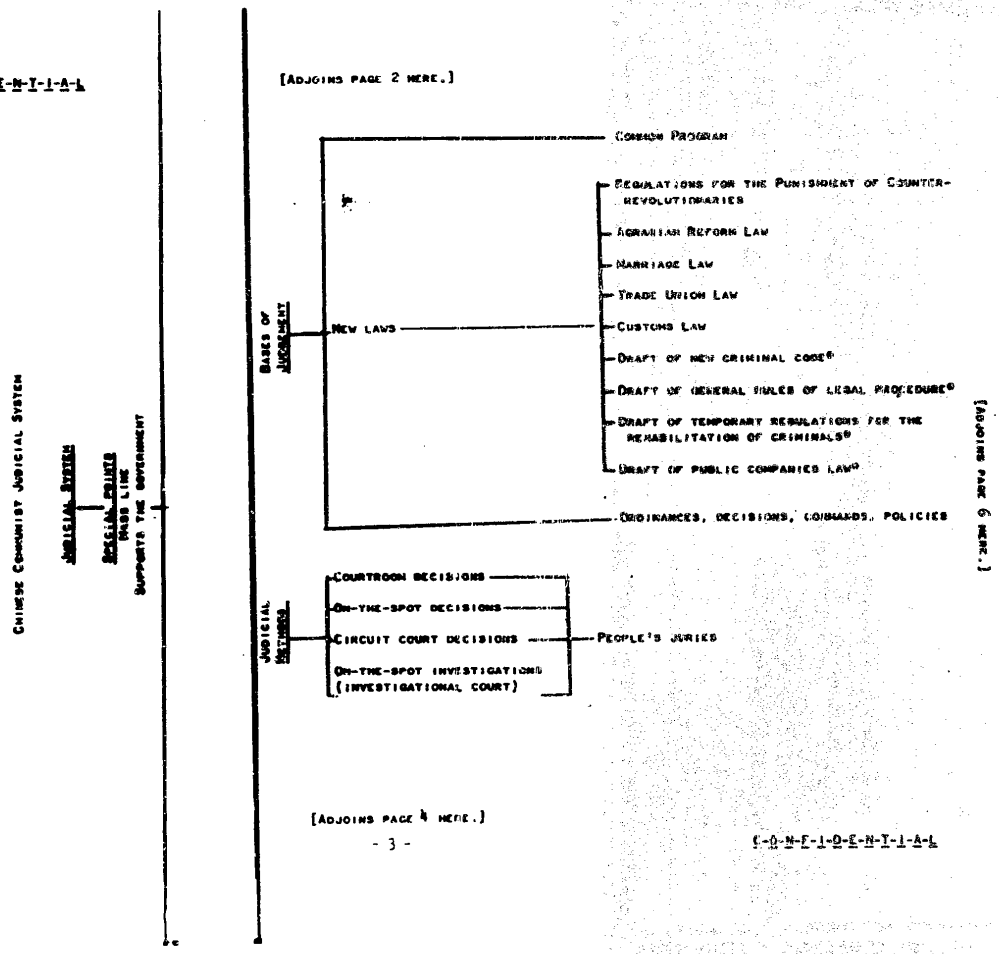

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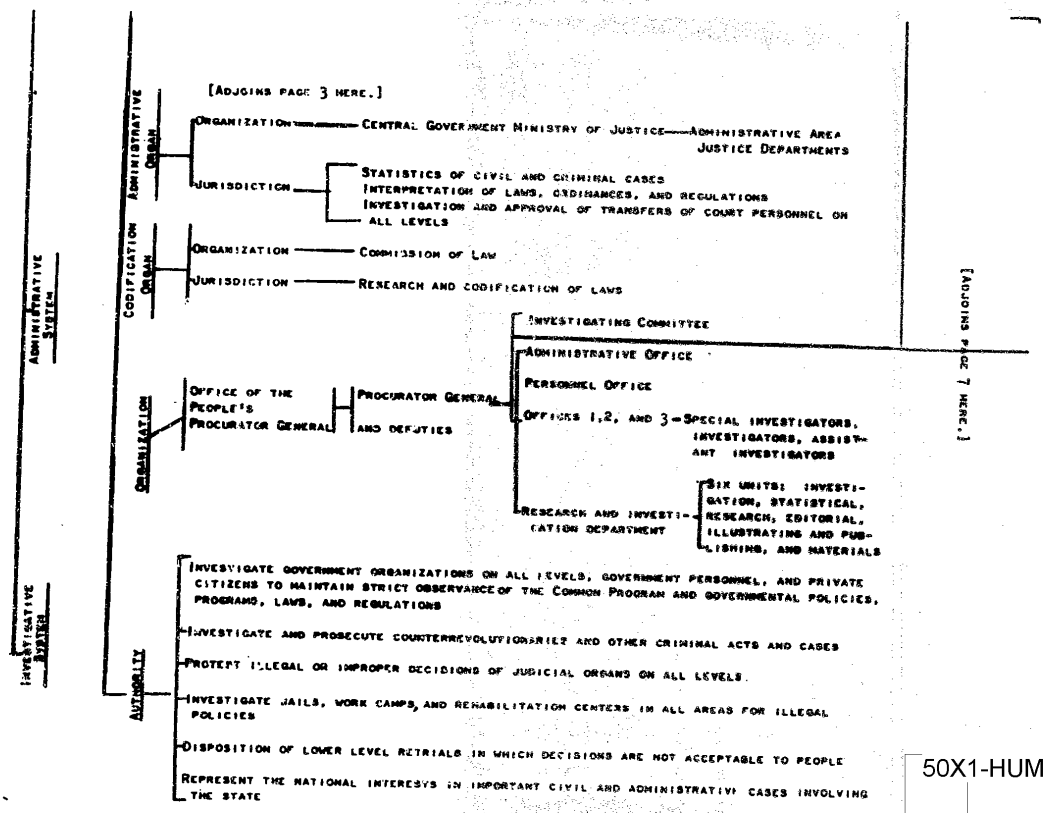

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- Supreme People's Court
- Regional Branches
- Provincial (Municipal) People's Court (Court of 2d Instance)
  - Organization
    - Chief Justice
    - Deputy Justice
      - Criminal Court
      - Civil Court
      - Judicial Committee
  - Jurisdiction
    - Judicial procedure of Hsien courts and administration of laws within governed area
    - Appeals from judgments of Hsien courts in civil and criminal cases
    - Important civil and criminal cases concerning province
    - Civil and criminal cases of 1st and 2d instance branch and Hsien courts
    - Provincial court is court of 1st instance in civil and criminal cases
    - Hsien court decisions of 1st instance civil and criminal cases
    - First instance civil and criminal cases assigned by government, Supreme People's Court and its branches
    - Execution of items of civil and criminal cases
    - First instance civil and criminal cases in liquidating the assets of state, private or jointly operated industries (municipal courts)

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First instance civil and criminal cases of foreign groups and organizations (municipal courts)

Laws of civil process determined by evidence and other ordinances (municipal court)

Provincial offices of Procurator General

(Adjoins page 3 here.)

Procurator General, Deputy Procurator

Investigating Committee

Administrative Office

Office No 1

Office No 2

Investigators and Assistants

Higher Office Procurator, Deputy

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Provincial Office of Procurator General, Special Administrative District Branch Office

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OFFICE OF THE
PEOPLE'S PROCURATOR
GENERAL, ADMINISTRATIVE
AREA BRANCH OFFICE

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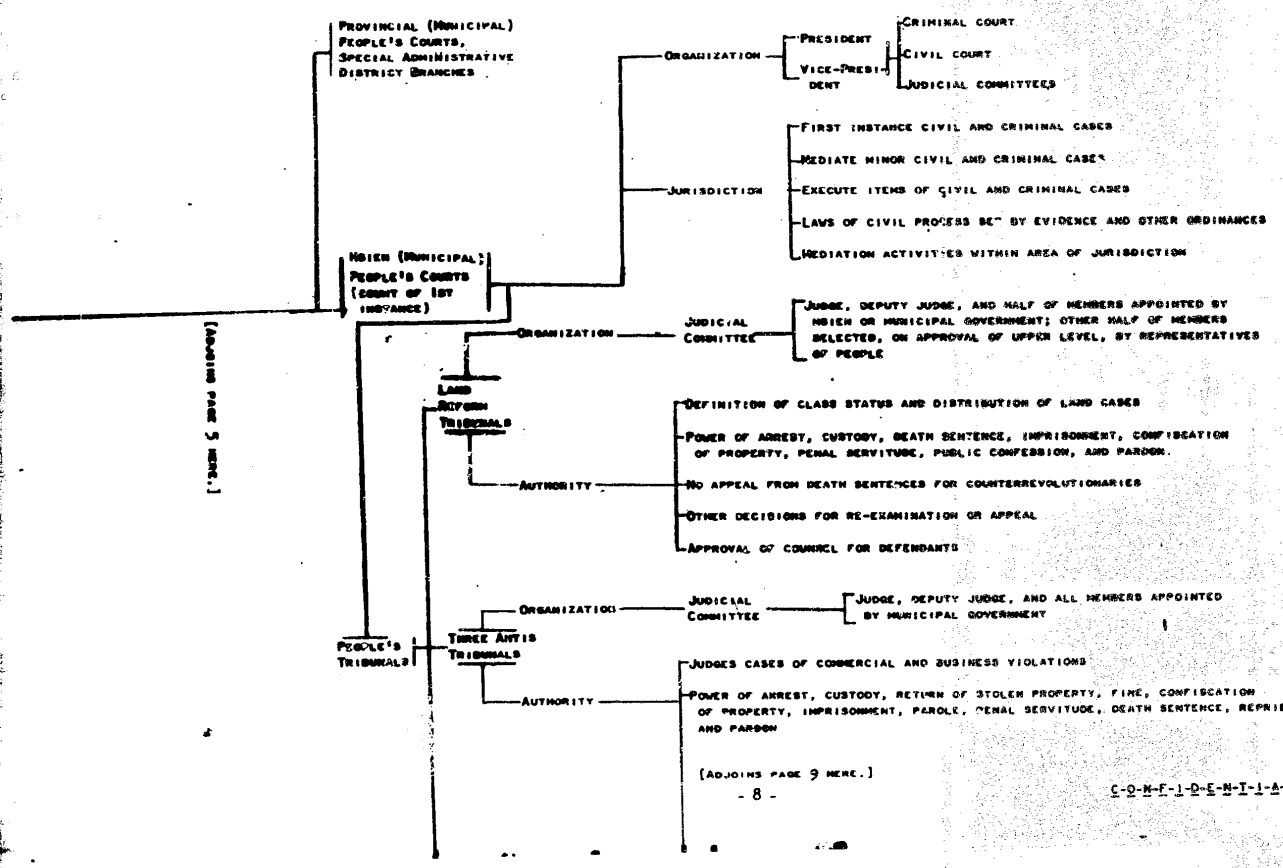

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CAN GIVE FINAL DECISIONS, BUT SENTENCES ABOVE 10 YEARS NECESSITATE MUNICIPAL OR HIGHER-LEVEL GOVERNMENT APPROVAL

FIVE ANTIS TRIBUNALS

- UNITS — ORGANS OF SPECIAL ADMINISTRATIVE DISTRICT LEVEL AND ABOVE, MILITARY ORGANS OF REGIMENTAL LEVEL AND ABOVE, ORGANS MAY BE ESTABLISHED SINGLY OR JOINTLY
- ORGANIZATION — JUDICIAL COMMITTEE — JUDGE, DEPUTY JUDGE ARE THE RESPONSIBILITY OF THE HEADS OF GOVERNMENTAL OR MILITARY ORGANS; OTHER MEMBERS SELECTED ON THE APPROVAL OF LEADERSHIP ORGAN
- AUTHORITY —
  - CONCERNED WITH CORRUPT ELEMENTS IN THE THREE ANTIS MOVEMENT
  - POWER OF SUBPOENA, ARREST, DETAINMENT, SENTENCE TO HARD LABOR, CUSTODY, DEATH SENTENCE, IMPRISONMENT, RETURN OF STOLEN PROPERTY, CONFISCATION OF PROPERTY, DEPRIVATION OF POLITICAL RIGHTS AND PRIVILEGES, REPRIEVE AND PARDON
  - DECISIONS EXECUTED UPON APPROVAL OF HIGHER LEVEL

[ADJOINS PAGE 6 HERE.]

INVESTIGATING COMMITTEE

- ADMIN. OFFICE
- INVESTIGATORS
- ASSISTANT INVESTIGATORS

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NOTES:

1. * INDICATES LAWS WHICH ARE TO BE ENACTED AT AN APPROPRIATE TIME OR WHICH ARE AS YET UNANNOUNCED PUBLICLY.

2. JUDICIAL AND INVESTIGATIVE ORGANS ON ALL LEVELS, IN ADDITION TO BEING SUPERVISED OF UPPER-LEVEL ORGANS, ARE ALSO UNDER THE SCRUTINY OF GOVERNMENT ORGANS OF THE SAME LEVEL.

3. WHEN JUDICIAL COMMITTEES OF PROVINCIAL AND HSIEN COURTS CONVENE, THEY MAY INVITE PERSONS CONCERNED OR INTERESTED PARTIES TO PARTICIPATE AND ASSIST.

4. ON ALL LEVELS, THE INTERNAL ORGANIZATIONAL SIZE OF THE OFFICES OF THE PROCURATOR GENERAL, WHICH ARE REALLY SPECIAL SECURITY ORGANS, CANNOT BE COMPARED WITH THAT OF THE JUDICIAL ORGANS.

5. THE ESTABLISHING AND ABOLISHING OF SPECIAL CRIMINAL COURTS IN THE PEOPLE'S TRIBUNALS, WHICH ARE EQUIVALENT TO PEOPLE'S COURTS, IS DETERMINED BY PROVINCIAL AND HIGHER GOVERNMENT AUTHORITIES.

6. THE PEOPLE'S TRIBUNALS MAY ESTABLISH BRANCH TRIBUNALS, ALL OF WHOSE DECISIONS ARE EXECUTED BY THE PEOPLE'S COURTS.

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