

Exclusion of Illegally Obtained Confession in Mainland China: An Empirical Perspective

by

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12:30- 2:00 pm

Faculty Board Room, 6/F, Faculty of Law, Lee Shau Kee Building,
The Chinese University of Hong Kong, Shatin, Hong Kong ([map](#))

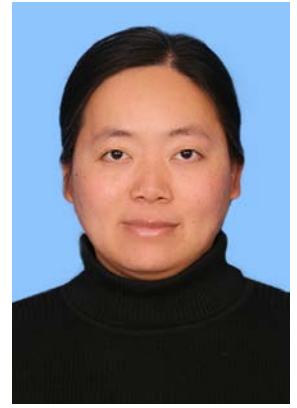
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Abstract:

The exclusion of illegally obtained evidence has long been the focus of theoretical research and legislative reform in China. After years of effort, exclusionary rule of illegally obtained confession has finally found its root in Chinese statute. However, as is true elsewhere, it's always much harder to operationalize the rules than just to establish them on paper. This paper is based on a thorough and in-depth empirical survey across the country. After an overview of the establishment process as the backdrop, this paper will share some empirical findings on the implementation of exclusionary rule of illegally obtained confession. This part will address three core issues: the definition and scope of illegally obtained confession, proof of illegally obtained confession, and suppression hearing. The author will also seriously examine the contributing factors causing the failure of implementation, identify the existing challenges China encountered in implementing the new rules, and then put forward some potential solutions to these problems based on comparative study.

Biography:

Guo Zhiyuan is a Professor of Law at China University of Political Science and Law (CUPL) in Beijing, where she specializes in Criminal Procedure, Evidence, International Human Rights Law and Law and Society Studies. She is Deputy Director of the Center for Criminal Law and Justice, CUPL, Adjunct Professor at Buffalo State College, US and a Non-resident Senior Research Fellow at US-Asia Law Institute, New York University School of Law. Guo was appointed as Guanghua Visiting Scholar at NYU School of Law from 2008-2009 and as Sohmen Visiting Scholar at Faculty of Law, Hong Kong University in 2011. She was just appointed as Fulbright Research Scholar for 2015-2016 and will visit Stanford Law School this fall. Prof. Guo has published extensively on academic journals in both Chinese and English languages. Her research interests include exclusionary rules of evidence, Plea Bargaining, Effective Counsel, and Criminal Mental Health Law. She is visiting CRJ as an Adjunct Professor at CUHK from late March to the end of April.



All are welcome! If you would like to attend, please register by 9:00 am, 28 April 2015:

<https://cloud.itsc.cuhk.edu.hk/webform/view.php?id=765466>

Registration is limited and will be accepted on a first come first served basis.

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