Organic Law of the People’s Procuratorates of the PRC

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Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Establishment and Functions of Procuratorates 2

Chapter III — Case-Handling Organizations 4

Chapter IV — Personnel of Procuratorates 4

Chapter V — Safeguards for Exercise of Procuratorial Power 5

Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979; amended for the first time in accordance with the Decision on Amending the Organic Law of the People's Procuratorates of the PRC adopted at the Second Meeting of the Standing Committee of the Sixth National People's Congress on September 2, 1983; amended for the second time in accordance with the Decision on Amending the Organic Law of the Local People's Congresses and Local People's Governments adopted at the 18th Meeting of the Standing Committee of the Sixth National People's Congress on December 2, 1986; revised at the Sixth Meeting of the Standing Committee of the Thirteenth National People's Congress on October 26, 2018
Effective: January 1, 2019

Table of Contents

- Chapter I — General Provisions
- Chapter II — Establishment and Functions of Procuratorates
- Chapter III — Case-Handling Organizations
- Chapter IV — Personnel of Procuratorates
- Chapter V — Safeguards for Exercise of Procuratorial Power

Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution to standardize the establishment, organization, and functions of the people's procuratorates, to safeguard the independent and impartial exercise of procuratorial power by the people's procuratorates in accordance with the law, and to enhance the credibility of the judiciary.

Article 2 — The people's procuratorates are the legal supervision organs of the State. The people's procuratorates shall, by exercising the power of prosecution and legal supervision, safeguard national security and social order, protect the lawful rights and interests of natural persons, legal persons, and unincorporated organizations, uphold social fairness and justice, safeguard the uniform and proper implementation of national laws, and ensure the smooth progress of the socialist cause.

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Article 3 — The people's procuratorates shall be established in accordance with the Constitution, this Law, and relevant laws. Their procuratorial power shall be exercised independently in accordance with the law and shall not be subject to interference by administrative organs, public organizations, or individuals.

Article 4 — People's procuratorates shall apply the law equally to all organizations and individuals in exercising procuratorial power and shall not discriminate. No organization or individual shall enjoy the privilege of being above the law, and any organization or individual who violates the law shall be held liable in accordance with the law.

Article 5 — People's procuratorates shall exercise procuratorial power independently and impartially in accordance with the law. People's procuratorates shall perform their legal supervision functions through their case-handling organizations, including procuratorial committees, case-handling teams, and individual procurators.

Article 6 — People's procuratorates shall adhere to the principle of judicial openness, except where the law provides for non-disclosure. The people's procuratorates shall disclose information on case handling, court proceedings, legal documents, and other matters in accordance with the law.

Article 7 — People's procuratorates shall exercise a system of judicial accountability. People's procuratorates shall establish and improve mechanisms for judicial responsibility, supervision, and management to ensure the quality and efficiency of case handling.

Article 8 — The Supreme People's Procuratorate shall be responsible to, and report its work to, the National People's Congress and its Standing Committee. Local people's procuratorates at all levels shall be responsible to, and report their work to, the people's congresses at corresponding levels and their standing committees.

Article 9 — The people's procuratorates shall accept the supervision of the people's congresses and their standing committees and the supervision of the public through means such as public disclosure of procuratorial affairs.

Article 10 — The Supreme People's Procuratorate shall direct the work of local people's procuratorates at all levels and special people's procuratorates. Higher people's procuratorates shall direct the work of lower people's procuratorates. Where a higher people's procuratorate considers that a decision of a lower people's procuratorate is erroneous, it shall instruct the lower people's procuratorate to correct the error.

Chapter II — Establishment and Functions of Procuratorates

Article 11 — The people's procuratorates shall be divided into the following levels:

(1) The Supreme People's Procuratorate;

(2) Higher people's procuratorates;

(3) Intermediate people's procuratorates;

(4) Primary people's procuratorates.

Article 12 — The people's procuratorates shall be divided into the Supreme People's Procuratorate, local people's procuratorates at various levels, and special people's procuratorates. The establishment, organization, and functions of special people's procuratorates shall be separately prescribed by the Standing Committee of the National People's Congress.

Article 13 — Higher people's procuratorates shall be established in provinces, autonomous regions, and municipalities directly under the Central Government. Intermediate people's procuratorates shall be established in cities divided into districts, autonomous prefectures, and prefectures, as well as in municipalities directly under the Central Government. Primary people's procuratorates shall be established in

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counties, autonomous counties, cities not divided into districts, and municipal districts.

Article 14 — Primary people's procuratorates may, based on their work needs and with the approval of the relevant departments, set up procuratorial offices as dispatched organs within townships and towns or in specific areas. The Supreme People's Procuratorate may establish circuit procuratorial offices based on its work needs.

Article 15 — The people's procuratorates may establish necessary procuratorial business organs and other necessary business organs as prescribed in accordance with the actual needs of their work.

Article 16 — People's procuratorates may set up procuratorial committees in accordance with their work needs. Procuratorial committees are composed of the chief procurator, deputy chief procurators, and a number of senior procurators, with an odd number of members. The functions of a procuratorial committee are:

(1) Summing up procuratorial work experience;

(2) Discussing and deciding on major, difficult, or complex cases;

(3) Discussing and deciding on other major issues relating to procuratorial work.

Article 17 — The people's procuratorates shall, in accordance with the provisions of the law, exercise their functions and powers in the following areas:

(1) Exercising the power of prosecution in accordance with the law, including the examination and approval of arrests, examination for prosecution, and initiation of public prosecutions for criminal cases;

(2) Exercising legal supervision over criminal litigation, civil litigation, administrative litigation, and enforcement activities;

(3) Initiating public interest litigation in accordance with the law in areas such as ecological environment and resource protection, food and drug safety, protection of State-owned property, and transfer of State-owned land use rights;

(4) Exercising other functions and powers as prescribed by law.

Article 18 — People's procuratorates may, in the exercise of legal supervision functions, conduct investigations and verifications in accordance with the law. Relevant units and individuals shall cooperate. When conducting investigations and verifications, people's procuratorates shall produce relevant legal documents and credentials.

Article 19 — People's procuratorates shall, in their procuratorial work, adhere to the principle of the unity of legal and social effects and shall endeavor to make the people feel fairness and justice in every judicial case.

Article 20 — The people's procuratorates shall implement the following working mechanisms for the exercise of procuratorial power:

(1) The chief procurator or a procuratorial committee shall decide on major procuratorial matters;

(2) Procurators shall bear procuratorial responsibility for the cases they handle within the scope of their authority;

(3) The chief procurator may delegate part of their functions and powers to deputy chief procurators and procurators, and may authorize them to sign legal documents.

Article 21 — The people's procuratorates may, based on their work needs, establish specialized procuratorial organs such as criminal prosecution, civil prosecution, administrative prosecution, and public interest litigation prosecution organs, as well as case management, accusation and appeal, and other comprehensive business organs.

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Chapter III — Case-Handling Organizations

Article 22 — People's procuratorates shall handle cases by a procuratorial case-handling team or by a single procurator. The procuratorial case-handling team shall be composed of a chief procurator and other procurators, assisted by procurators' assistants, court clerks, and other necessary personnel. The chief procurator shall organize and direct the case-handling work of the team.

Article 23 — A single procurator handling a case alone shall perform their duties in accordance with the law and with the assistance of necessary personnel. For cases handled by a single procurator that are major, difficult, or complex, the procurator may request that the case be transferred to a procuratorial case-handling team for handling.

Article 24 — Procurators shall handle cases within the scope of their authority. Where a procurator handles a case, the chief procurator, deputy chief procurator, or head of a business organ shall not interfere without authorization, except in performing necessary supervision and management duties.

Article 25 — Procuratorial committees shall discuss and decide on cases in accordance with the principles of democratic centralism. Decisions of the procuratorial committee shall be made by a majority vote. Where the minority has different opinions, such opinions shall be recorded in the minutes. Procuratorial committees may invite relevant personnel to attend meetings as non-voting participants.

Article 26 — For cases submitted to the procuratorial committee for discussion and decision, the procuratorial case-handling team or the single procurator shall be responsible for the facts and evidence of the case, and the procuratorial committee shall be responsible for the decisions made on the application of law. The decision of the procuratorial committee shall be implemented by the procuratorial case-handling team or the single procurator.

Article 27 — If a subordinate people's procuratorate considers that the decision of a superior people's procuratorate is erroneous, it may report the matter to the people's procuratorate at the next higher level.

Article 28 — The people's procuratorates may, based on work needs, set up specialized case-handling groups to handle specialized cases. The people's procuratorates may invite persons with specialized knowledge to participate in case handling and provide opinions on specialized issues.

Article 29 — The people's procuratorates shall strengthen the operation and management of case-handling procedures, establish and improve quality and efficiency assessment mechanisms for case handling, and strengthen supervision and management of case handling by procurators through case-flow monitoring, case quality evaluation, and performance appraisals.

Article 30 — The people's procuratorates shall implement systems for the avoidance of procurators in case handling and other systems prescribed by law, and shall accept supervision by the parties and the public over judicial activities.

Chapter IV — Personnel of Procuratorates

Article 31 — The personnel of people's procuratorates shall consist of procurators, procuratorial auxiliary personnel, and judicial administrative personnel. Procurators shall exercise State procuratorial power in accordance with the law. Procuratorial auxiliary personnel include procurators' assistants, court clerks, judicial police officers, and other personnel who assist procurators in performing their duties.

Article 32 — Procurators shall be appointed and removed in accordance with the procedures prescribed by law. The qualifications, selection, appointment, and removal of procurators shall be governed by the provisions of the Procurators Law of the PRC.

Article 33 — Chief procurators and deputy chief procurators of people's procuratorates shall fulfill their procuratorial duties by handling cases directly. Chief procurators and deputy chief procurators of people's

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procuratorates shall hear major, difficult, or complex cases and cases with significant social impact in person.

Article 34 — The term of office of the Procurator-General of the Supreme People's Procuratorate shall be the same as that of the National People's Congress and shall be limited to two consecutive terms. The term of office of chief procurators of local people's procuratorates shall be the same as that of the people's congresses at the corresponding levels.

Article 35 — The Procurator-General of the Supreme People's Procuratorate shall be elected and removed by the National People's Congress. The deputy procurators-general, members of the procuratorial committee, and procurators of the Supreme People's Procuratorate shall be appointed or removed by the Standing Committee of the National People's Congress upon recommendation by the Procurator-General.

Article 36 — The chief procurators of local people's procuratorates at all levels shall be elected and removed by the people's congresses at the corresponding levels, and their deputy chief procurators, members of procuratorial committees, and procurators shall be appointed or removed by the standing committees of the people's congresses at the corresponding levels upon recommendation by the chief procurators. The appointment and removal of chief procurators of local people's procuratorates must be reported to the chief procurator of the people's procuratorate at the next higher level, who shall submit the matter to the standing committee of the people's congress at that level for approval.

Article 37 — The quota of procurators in people's procuratorates shall be determined based on the volume of cases, population, level of economic and social development, and other factors within the limits prescribed by the Supreme People's Procuratorate and the relevant departments, and shall be approved through statutory procedures.

Article 38 — Procurators shall not concurrently hold any post in the standing committees of people's congresses, administrative organs, adjudicative organs, enterprises, public institutions, law firms, or other organizations that is incompatible with the office of procurator. Procurators shall not serve as defenders or agents ad litem in cases while holding procuratorial office.

Article 39 — A procurator shall withdraw from handling a case where the procurator is a party to the case or a close relative of a party or agent ad litem to the case, where the procurator has an interest in the case, or where the procurator has any other relationship with a party to the case or the agent ad litem that may affect the fair handling of the case. A party shall have the right to request the withdrawal of a procurator.

Article 40 — The people's procuratorates shall establish a scientific evaluation, reward, and discipline system for procuratorial personnel. Evaluations shall serve as the basis for the appointment, removal, rewards, and disciplinary actions of procuratorial personnel.

Article 41 — The people's procuratorates shall strengthen the capacity building of procuratorial personnel and carry out systematic professional training. The Supreme People's Procuratorate and higher people's procuratorates shall establish procuratorial training institutions.

Chapter V — Safeguards for Exercise of Procuratorial Power

Article 42 — People's procuratorates shall exercise procuratorial power independently and impartially in accordance with the law. Administrative organs, public organizations, and individuals shall not interfere in the procuratorial activities of people's procuratorates. No entity or individual may request a procurator to handle a case in a manner other than through statutory procedures.

Article 43 — No organization or individual shall retaliate against procurators of the people's procuratorates in any form. Where a procurator is subjected to retaliation because of the lawful performance of duties, legal protection shall be provided. Procurators shall enjoy the protection of personal safety and property safety, and shall not be subjected to insult, slander, false accusation, personal injury, or threat thereof.

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Article 44 — No organization or individual shall transfer, remove, demote, dismiss, or discipline a procurator in violation of the law. Where a procurator is transferred, removed, demoted, dismissed, or otherwise sanctioned, the procurator shall have the right to a hearing, to make a defense, and to appeal or file a complaint in accordance with the law.

Article 45 — People's procuratorates shall have the right to refuse to participate in land expropriation, housing demolition, and other activities that are not related to their procuratorial duties and that are assigned by administrative organs, public organizations, or individuals.

Article 46 — The staff, judicial police, and other personnel of the people's procuratorates shall cooperate closely with and support the procurators in performing their duties and provide necessary safeguards for procuratorial work.

Article 47 — The expenses of the people's procuratorates shall be included in the fiscal budget and guaranteed by the people's governments at the corresponding levels. The Supreme People's Procuratorate shall establish a unified procuratorial funding and logistical support system.

Article 48 — The people's procuratorates shall strengthen information technology applications and promote the construction of smart procuratorates, realizing the informatization and intellectualization of case handling, legal supervision, and internal management.

Article 49 — The people's procuratorates shall cooperate with the adjudicative organs, public security organs, judicial administrative organs, and other State organs in the exercise of their functions and powers in accordance with the law. The people's procuratorates shall divide responsibilities, coordinate with, and check each other with the adjudicative organs and case-handling organs such as the public security organs.

Article 50 — The people's procuratorates shall adopt measures to strengthen the construction of legal supervision capacity and enhance the quality, efficiency, and credibility of legal supervision.

Article 51 — The people's procuratorates shall establish information disclosure mechanisms to inform the public of their procuratorial work in a timely manner, accept public oversight, and safeguard the people's right to know, participate, express, and supervise.

Article 52 — Special people's procuratorates such as military procuratorates shall be established in accordance with the provisions of relevant laws. The establishment, organization, functions, and powers of special people's procuratorates shall be prescribed by the Standing Committee of the National People's Congress.

Article 53 — This Law shall come into force on January 1, 2019.

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