SPC Guiding Case No. 246: Application by Miao [X]shun et al. for State Compensation for Death Caused by Mudanjiang Prison's Failure to Perform Supervisory Duties

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Discussed and adopted by the Judicial Committee of the Supreme People's Court; issued on December 23, 2024.

Keywords

State compensation / compensation for death caused by negligent performance of supervisory duties / liability for compensation / degree of fault

Holding

Where a supervisory organ such as a detention house or prison and its staff, in violation of laws, regulations and relevant provisions, fail to carry out supervision and disposition in a timely manner when a detainee or prisoner suffers an injury, and such failure has a certain connection with the result of injury or death of the detainee or prisoner, this constitutes negligent performance of supervisory duties, and the organ with compensation obligations shall bear state compensation liability. At the same time, the people's court shall comprehensively consider factors such as the role played by the negligent performance of supervisory duties in the occurrence and expansion of the damage result and the degree of fault, and lawfully and reasonably determine the proportion of liability and the amount of compensation to be borne by the organ with compensation obligations.

Basic Facts

On March 24, 2003, a prison area of Mudanjiang Prison in Heilongjiang Province carried out external labor at a cloth-repairing workshop of a woolen mill in Mudanjiang. Zhao [X]quan, a prisoner serving as the prisoner group leader, because others had reported him, summoned the reported prisoner Miao [X]cheng to the aisle beside the cloth-repairing machine, cursed and berated him, and then punched Miao [X]cheng on the head for several minutes until he knocked him to the ground. When Miao [X]cheng fell, he fell into a coma because the back of his head hit the ground. During that period, Jiao [X]ming, the sub-prison area chief responsible for supervising the prisoners' labor production safety in the workshop, failed to perform his supervisory duties such as patrolling and keeping watch, and only discovered the situation after Miao [X]cheng was beaten to the ground and lost consciousness, whereupon he organized personnel to send him to hospital for treatment. Miao [X]cheng died on the 28th of the same month after rescue efforts failed. This case was tried by the Mudanjiang Intermediate People's Court of Heilongjiang Province, which rendered a criminal judgment sentencing Zhao [X]quan to death with a two-year reprieve and deprivation of political rights for life for the crime of intentional injury. The Ning'an People's Court of Heilongjiang Province also rendered a criminal judgment finding Jiao [X]ming guilty of the crime of dereliction of duty and exempting him from criminal punishment.

Miao [X]shun, the father of Miao [X]cheng, applied to Mudanjiang Prison in Heilongjiang Province for state compensation based on the above facts. Mudanjiang Prison in Heilongjiang Province issued Reply Letter Hei Mu Yu Fa Gui Ban [2009] No. 2, denying Miao [X]shun compensation. Miao [X]shun applied for reconsideration, and the Heilongjiang Provincial Prison Administration Bureau issued Criminal Compensation Reconsideration Decision Hei Yu Fu Jue [2009] No. 3, affirming the decision of Reply Letter Hei Mu Yu Fa Gui Ban [2009] No. 2. Miao [X]shun, Chen [X]ping (wife of Miao [X]cheng), Miao [X]yang (son of Miao [X]cheng), Miao [X]feng (brother of Miao [X]cheng) and others applied to the Compensation

Committee of the Heilongjiang Provincial High People's Court for a compensation decision.

Judgment

On July 24, 2017, the Compensation Committee of the Heilongjiang Provincial High People's Court rendered State Compensation Decision (2017) Hei Wei Pei No. 12: (1) Criminal Compensation Reconsideration Decision Hei Yu Fu Jue [2009] No. 3 of the Heilongjiang Provincial Prison Administration Bureau and Reply Letter Hei Mu Yu Fa Gui Ban [2009] No. 2 of Mudanjiang Prison in Heilongjiang Province were revoked; (2) Mudanjiang Prison in Heilongjiang Province shall pay Miao [X]shun, Chen [X]ping and Miao [X]yang death compensation and funeral expenses of RMB 405,414; (3) Mudanjiang Prison in Heilongjiang Province shall apologize to Miao [X]shun, Chen [X]ping and Miao [X]yang, pay solatium for mental distress of RMB 60,000, pay Miao [X]yang living expenses of RMB 15,000 and Miao [X]shun, Chen [X]ping and Miao [X]yang medical expenses of RMB 2,331, and dismiss the other state compensation claims of Miao [X]shun, Chen [X]ping and Miao [X]yang and the state compensation claim of Miao [X]feng. Miao [X]shun and Miao [X]feng filed complaints with the Compensation Committee of the Supreme People's Court. On September 21, 2020, the Compensation Committee of the Supreme People's Court rendered Decision (2020) Zui Gao Fa Wei Pei Jian No. 145: the complaints of Miao [X]shun and Miao [X]feng were dismissed.

Reasoning

Item (4) of Article 17 of the State Compensation Law of the People's Republic of China provides: “Where an organ exercising investigation, procuratorial or adjudication powers, or a detention house or prison administrative organ, and its staff, in the course of exercising their powers, commit any of the following acts infringing upon personal rights, the victim shall have the right to obtain compensation: ... (4) causing bodily injury or death of a citizen through extorting confessions by torture, or through acts such as beating or abuse, or through instigating or conniving at others to cause bodily injury or death through acts such as beating or abuse...” A prison bears the statutory duty of supervision and protection over the personal safety, life and health of prisoners during their imprisonment, and where a prison and its staff negligently perform their supervisory and protective duties, resulting in bodily injury or death of a prisoner, this also falls within the circumstances regulated by the above provisions. In this case, Zhao [X]quan's beating was the direct cause of Miao [X]cheng's death, but Mudanjiang Prison in Heilongjiang Province and its staff member Jiao [X]ming negligently performed their supervisory and protective duties, and there was a certain connection between this and the death of the prisoner Miao [X]cheng, and they should therefore bear corresponding compensation liability.

Unlike acts of deliberately committing beating, abuse and the like, a supervisory official's negligent performance of supervisory duties causing bodily injury or death of a supervised person is a negligent act, whose subjective state of mind is not the pursuit or indulgence of the occurrence of the damage result; moreover, the negligent performance of supervisory duties generally combines with other factors to jointly cause the occurrence of the damage result. Therefore, comprehensively considering the specific circumstances such as the degree of Mudanjiang Prison's supervisory negligence and the role it played in the death result, Mudanjiang Prison in Heilongjiang Province was lawfully determined to bear corresponding state compensation liability, namely paying Miao [X]shun, Chen [X]ping and Miao [X]yang death compensation and funeral expenses of RMB 405,414 and solatium for mental distress of RMB 60,000; and at the same time paying the living expenses of the person without labor capacity who was supported by the deceased during his lifetime and the medical expenses incurred in treating the deceased.

Relevant Legal Provisions

Article 17 of the State Compensation Law of the People's Republic of China

Disclaimer: This translation is provided for reference and informational purposes only. In the event of any discrepancy, the official Chinese text issued by the Supreme People's Court shall prevail. This translation does not constitute legal advice.

Free PDF download of the complete article.