

ANNEX B: English Translation by HRIC of Articles 3 and 17 of the State Compensation Law of the People's Republic of China, 中华人民共和国国家赔偿法, (1994) (Amended April 29, 2010; Amended October 26, 2012)

CHINESE TEXT	ENGLISH TEXT
<p>第三条</p> <p>行政机关及其工作人员在行使行政职权时有下列侵犯人身权情形之一的，受害人有取得赔偿的权利：</p> <p>（一）违法拘留或者违法采取限制公民人身自由的行政强制措施的；</p> <p>（二）非法拘禁或者以其他方法非法剥夺公民人身自由的；</p> <p>（三）以殴打、虐待等行为或者唆使、放纵他人以殴打、虐待等行为造成公民身体伤害或者死亡的；</p> <p>（四）违法使用武器、警械造成公民身体伤害或者死亡的；</p> <p>（五）造成公民身体伤害或者死亡的其他违法行为。</p>	<p>Article 3</p> <p>The victims of any of the following violations of the rights of the person committed by an administrative organ or its personnel in the exercise of their administrative functions and authority shall have the right to compensation:</p> <p>(1) unlawful detention or unlawful use of coercive administrative measures to restrict a citizen’s personal freedom;</p> <p>(2) unlawful detention or deprivation of a citizen’s personal freedom by other unlawful means;</p> <p>(3) beating or maltreating, or instigating or permitting others to beat or maltreat, a citizen causing bodily injuries or death;</p> <p>(4) illegal use of weapons or police apparatus that results in bodily injuries to or death of a citizen; or</p> <p>(5) other unlawful acts causing bodily injury(ies) to, or death of, a citizen.</p>
<p>第十七条</p> <p>行使侦查、检察、审判职权的机关以及看守所、监狱管理机关及其工作人员在行使职权时有下列侵犯人身权情形之一的，受害人有取得赔偿的权利：</p>	<p>Article 17</p> <p>The victims of any of the following violations of the rights of the person committed by an organ exercising its functions and authority to investigate , prosecute or try, and by a detention center or prison administrative organ or its personnel exercising their functions and authority, are entitled to</p>

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<p>(一) 违反刑事诉讼法的规定对公民采取拘留措施的,或者依照刑事诉讼法规定的条件和程序对公民采取拘留措施,但是拘留时间超过刑事诉讼法规定的时限,其后决定撤销案件、不起诉或者判决宣告无罪终止追究刑事责任的;</p> <p>(二) 对公民采取逮捕措施后,决定撤销案件、不起诉或者判决宣告无罪终止追究刑事责任的;</p> <p>(三) 依照审判监督程序再审改判无罪,原判刑罚已经执行的;</p> <p>(四) 刑讯逼供或者以殴打、虐待等行为或者唆使、放纵他人以殴打、虐待等行为造成公民身体伤害或者死亡的;</p> <p>(五) 违法使用武器、警械造成公民身体伤害或者死亡的。</p>	<p>compensation:</p> <p>(1) detention of a citizen in violation of the provisions of the <i>Criminal Procedure Law</i>; or detention of a citizen in accordance with conditions and procedure, but exceeding the time limit, stipulated by the <i>Criminal Procedure Law</i>, and whose case is later withdrawn or not prosecuted, or who is later acquitted, thereby ending the pursuit of criminal responsibility;</p> <p>(2) arrest of a citizen, whose case is later withdrawn or not prosecuted, or who is later acquitted, thereby ending the pursuit of criminal responsibility;</p> <p>(3) a judgment of acquittal is made in a retrial held under the trial supervision procedure, after the original sentence has already been served;</p> <p>(4) the act of extracting a confession under torture, beating or maltreatment, or instigating or permitting others to carry out beating or maltreatment causing bodily injuries to or death of a citizen; or</p> <p>(5) illegal use of weapons or police apparatus causing bodily injury(ies) to, or death of, a citizen.</p>