The Introduction to Obtain the Guarantor Pending Trial System in China

Lina Chen
Criminal law Doctor,
2014 enrolled,
China University of Political Science and Law

Abstract: The writer introduces the history, the condition, scope, procedure of application and the enforcement organ in obtaining the guarantor pending trial system. The paper also includes the status and problems in being applicable to obtain the guarantor pending trial system, and propose to the development in the future.

Key words: Obtain the Guarantor Pending Trial System, The Criminal Procedure Law, Compulsory Measures, Criminal Suspect, Defendant

In China, obtaining the guarantor pending trial system is similar to the bail system of the United Kingdom and the United Sates. However, it has also its characteristics, no matter the social basis of the system, or the specific implementation procedures, implementation methods and other aspects. In the criminal field, it is a kind of compulsory measures to the criminal suspect or defendant, in the process of investigating, prosecuting and judging. In other word, in the judicial procedure, it means a kind of criminal measures that a People's Court, a People's Prosecutor's office or a public security organ adopts to the minor criminal suspect or the defendant, to ask them to provide a guarantor or some bail and restrains some personal liberty, not to be detained, when summoned, they must appear in certain organ. [1]

1. The History of the Obtaining the Guarantor Pending Trial System in China

In 1949, People's Republic of China was founded, but China has been in the recovery stage of economic production, and the legal development was relatively slow. Until Dec.10th 1954, the standing committee of the National People's Congress adopted <the People's Republic of China Arrest and detention regulation>, it didn't have the explanation of the obtaining guarantor pending trial system. The clause 2 of the regulation said," if a criminal suspect or defendant who should be arrested is seriously ill or is a pregnant woman or a woman breast-feeding her own baby, he or she may be allowed to obtain a guarantor pending trial". Except for the above provision, the regulation has no another detailed explanation about how to be applicable, thus, from 1954 to 1979, in which the first criminal procedure law was adopted, the obtaining the guarantor pending trial is almost not applied.

In Jul. 1st 1979, the Second Session of the Fifth National People's Congress adopted <The People's Republic of China Criminal Procedure Law>, which confirmed the obtaining guarantor pending trial system. In section 6, clause 38 says," The people's courts, the people's prosecutor's office and the public security organs may, according to the circumstances of a case, issue a warrant to compel the appearance of the criminal suspect or defendant, order him to obtain a guarantor pending trial or subject him to residential surveillance". But the law also has no detailed procedure of application, from 1979, the obtaining a guarantor pending trial system is rarely applied in the process of judicial practice. [2]

From 1980, the People's Republic of China has entered a new historical stage of comprehensive reform and opening up. China's construction of the law has been accelerated, and the level of legislation has been constantly improved.

In Mar. 17th 1996, after more than ten years of development of the law and the test of legal practice, the Fourth Session of the Eighth National People's Congress amended the 1979 criminal procedure law,

called 1997 criminal procedure law. In the section 6, clause 51 says the scope of application, “the people’s courts, the people’s prosecutor’s office and the public security organs may allow criminal suspects or defendants under any of the following conditions to obtain a guarantor pending trial or subject them to residential surveillance ( ) They may be sentenced to public surveillance, criminal detention or simply imposed with supplementary punishments; or( ) They may be imposed with a punishment of fixed-term imprisonment at least and would not endanger society if they are allowed to obtain a guarantor pending trial or are placed under residential surveillance.” It also explains the deadline, category, measure of the obtaining the guarantor pending trial system and the obligation of the criminal suspect or defendant, who is obtained the guarantor pending trial, and the obligation of the guarantor, the procedure and enforcement organ and so on. On the time, the obtaining the guarantor pending trial system is applied gradually, but the standard of application is not very explicitly, in fact, it is not applied widely.

In Mar.14th 2012, the Fifth Session of the Eleventh National People’s Congress amended the criminal procedure law again. The clause 65 added another 2 clauses, it says,".....( ) a criminal suspect or defendant is seriously ill, does not live independently or is a pregnant woman or a woman breast-feeding her own baby, and has no danger to public security, when is obtained a guarantor pending trial; ( )the deadline of detention is up, but the case is still investigating, and need to obtain the guarantor pending trial". Except for the all above, it also have many law codes to explain the system, such as, <Obtaining a Guarantor Pending Trial Provision> and <The Public Security Organ to Deal With the Economical Criminal Cases Provision> (adopted by the supreme people’s court, the supreme people’s prosecutor’s office, ministry of public security, ministry of state security,No.59,1999 and No.101,2005). < The Public Security Organ to Deal With The Criminal Cases Procedure Provision> (adopted by ministry of public security, No.127,2012); <The People’s Prosecutor’s Office Criminal Procedure Rules (trial)>, (adopted by the supreme people’s prosecutor’s office, No.2,2012); The supreme people’s court about the applicable interpretation to <the People’s Republic of China Criminal Procedure Law>, (adopted by the supreme people’s court, No.21,2012); The rules of the supreme people’s court, the supreme people’s prosecutor’s office, ministry of public security about the application to <the Criminal Procedure Law>,(Dec. 26th ,2012).These provisions provide the detailed ways to obtain the guarantor pending trial, according to the different litigation stages of bail pending trial, the different applicable judicial organs. So far, after 60 years of continuous development, China’s bail pending system has finally formed the current pattern, and has been better applied in judicial practice and more widely.

2. The Procedure of Obtaining the Guarantor Pending Trial System

2.1 Application, scope and condition

Firstly, we talk about the applicant. According to the criminal procedure law [3] and relevant laws, if the criminal suspect or defendant can meet the regulations, he or she will be obtained the guarantor pending trial. And if he or she is detained more than the legal deadline of detention, he or she, his or her legal representatives, lawyer may apply for obtaining a guarantor pending trial to the people’s court, the people’s prosecutor’s office or the public security organ, or apply for changing the compulsory measure. Thus, we can conclude that, in China, mostly, the people’s court, the people’s prosecutor’s office or the public security organ may obtain the guarantor pending trial to the criminal suspect or defendant. If the above organs do not correctly, then, the criminal suspect or defendant or legal representatives or lawyer will apply for obtaining a guarantor pending trial.

Secondly, we talk about the scope and condition of obtaining the guarantor pending trial system. According with the people’s republic of china criminal procedure law clause 65, the scope and condition of obtaining the guarantor pending trial is generally ( ) They may be sentenced to public surveillance, criminal detention or simply imposed with supplementary punishments; or( ) They may be imposed with a punishment of fixed-term imprisonment at least and would not endanger society if they are allowed

to obtain a guarantor pending trial; or( ) a criminal suspect or defendant is seriously ill, does not live independently or is a pregnant woman or a woman breast-feeding her own baby, and has no danger to public security, when is obtained a guarantor pending trial; or ( )more than the deadline of detention, but the case is still investigating, and need to obtain the guarantor pending trial. Specially, to the economical criminal cases, it also need meet more condition than general ones. The extra conditions are [4], ( ) impossible to implement the crime continually; and( )provide the bail as much as the subject matter of property criminal cases; and( )in the place where the criminal cases happened, have a fixed residence and income, can appear when be summoned, without suicide, escape, destroy or forge the evidence, or collusion.

2.2 The procedure of obtaining a guarantor pending trial system

The people's court, the people's prosecutor's office or the public security organ has a power to approve to obtain the guarantor pending trial system, and the period is from criminal detention to before judge. The specific applicable process is following:

During the investigation of public security organ, according to the public security organ to deal with the economical criminal cases provision (No.101,2005) and the public security organ to deal with the criminal cases procedure provision (No.127,2012), except for recidivist, chief criminal in group, escaping by self-injury, serious violent crime and other serious crime(if the one meet the exceptional condition and also is seriously ill, does not live independently or is a pregnant woman or a woman breast-feeding her own baby or more than the deadline of detention , can obtain a guarantor pending trial [5]), the others who meet the condition of the law, can be obtain a guarantor pending trial, after approval by the head of public security organ and providing a guarantor or bail.

During the prosecution of the people's prosecutor's office, according to the people's prosecutor's office criminal procedure rules (trial) [6], except for the criminal suspect whose act endanger the society seriously and the circumstances are odious and serious, if the criminal suspect meet the condition of the law, within 3 days, after approval by the head of prosecutor, then providing a guarantor or bail, he or she will be obtain a guarantor pending trial. When the criminal suspect has been obtained a guarantor pending trial in the former period, the prosecutor needs deal with again and recalculate the deadline.

During the court, according to the applicable interpretation to the criminal procedure law [7], if the defendant meets the condition of law, the court will approve to obtain the guarantor pending trial. When the defendant has been obtained a guarantor pending trial in former period, and need implement continually or change to another compulsory measure, the court should deal with within 7days or recalculate deadline.

2.3 The criminal suspect and defendant should abide by the rules, after obtaining a guarantor pending trial

In the criminal procedure law of China, after obtaining a guarantor pending trial, the criminal suspect or defendant should abide by, ( ) not to leave the city or county where he resides without permission of the executing organ;( ) to be present in time at a court when summoned;

( ) not to interfere in any form with the witness when the latter gives testimony; and( ) not to destroy or falsify evidence or tally confessions; ( ) when change the residence, the place of job, telephone, tell the executing organ within 24 hours. The people's court, the people's prosecutor's office or the public security organ can also ask the criminal suspect or defendant to abide by the following one or some rules, ( ) not to entry certain place; ( ) not to meet with some persons, or telephone, or not to meet with or telephone witness, victim and their close relatives, offender in the criminal case, and other relevant people with the criminal case; ( ) not to proceed with some activities and some relevant activities with criminal behavior; ( ) hand over the driving license and passport and other certificates to the executing organ. In China, the criminal suspect or defendant is only given some freedom by obtaining a guarantor pending trial and is not

held in special place. But if the criminal suspect or defendant disobeys the above rules, he or she will be canceled to obtain a guarantor pending trial and be detained again.

2.4 The qualifications and obligation of the guarantor and the amount of the bail

Firstly, according to the criminal procedure law [8], the qualification of the guarantor and obligations to be fulfilled is following, ( ) to be not involved in the current case;( ) to be able to perform a guarantor's duties;( ) to be entitled to political rights and not subjected to restriction of personal freedom; and( ) to have a fixed domicile and steady income. And the obligation of the guarantor is following, ( ) to see to it that the person under his guarantee observes the provisions; and( ) to promptly report to the executing organ when finding that the person under his guarantee may commit or has already committed acts in violation of the provisions. If the guarantor fails to report promptly, he shall be fined (about above RMB 1000, below RMB20000). If the case constitutes a crime, criminal responsibility shall be investigated according to law. In the meanwhile, if the criminal suspect or defendant may obtain a guarantor pending trial, but he or she is not fit for pay the bail, the organ can ask him or her to provide one or two guarantors. The situation includes the following rules, ( ) not to afford the bail; ( ) juvenile delinquent or more than 75 years old; ( ) others.

Secondly, we talk about the bail and how to pay. Considering on the applicable rules of criminal procedure law [9], the amount of the bail is decided on the social danger of criminal suspect or defendant, the level of his or her finance, local level of economic development, the circumstance of the criminal case and the possible punishment. And it is decided by the related judiciary. The amount of the bail is above RMB1000, and need to remit to the special accounting of the public security organ.

2.5 The deadline of obtaining the guarantor pending trial and the reasons to cancel

According to the criminal procedure law of China, firstly, the period of obtaining the guarantor pending trial is no more than 12 months. If it is more than the deadline, the compulsory measure should be alerted, however, the compulsory measure is not the obtaining a guarantor pending trial again.

Secondly, the reason to cancel it is following [10], ( )should not to investigate into the criminal responsibility; ( )to exceed the deadline of the obtaining the guarantor pending trial; ( )not to obey the rules of the obtaining the guarantor pending trial. If it is the ( ) or ( ) condition, the judicial department should inform the guarantor and the executing organ about cancelling the obtaining the guarantor pending trial, then/ or returning the bail. If the bail belongs to the property of defendant, who is sentenced to fine, the court may inform the executing organ to pay the fine with the bail, then returning the left to the defendant. If it is the condition ( ), compulsory measure should be changed or the executing organ submits to the prosecutor's office to arrest and forfeit the bail. If the act is a criminal one, the criminal responsibility should be investigated.

2.6 The executing organ of the obtaining a guarantor pending trial

According to the criminal procedure law of China, the executing organ of the obtaining the guarantor pending trial is the public security organ (smuggling case is executed by the custom; the bribe and corrupt case is executed by the prosecutor's office). Practically, the executing organ is local police station, which is the department of the public security organ. The obligation of the local police station is following ( ) to inform the criminal suspect or defendant to obey the rules and if disobey, or crime again, to bear all the responsibility. ( ) to supervise or inspect the criminal suspect or defendant, and know the changes of address, the place of job and telephone promptly. ( ) to supervise the guarantor to redeem the obligation ( ) when finding the criminal suspect or defendant to disobey the rules or the guarantor not to redeem the obligation, to prohibit the behavior and to take some measure and to inform the organ, which makes decision to obtain the guarantor pending trial [11]. The executing organ may order the criminal suspect or defendant to report his or her act timely, or permit him or her to leave the city or country where usually

lives. If the criminal suspect or defendant disobey the rules of the obtaining the guarantor pending trial, considering the circumstance, the executing organ may decide to forfeit the part or all bail, or order him or her to make a statement of repentance, and repay the bail or re-provide the guarantor, or change the compulsory measure, or punish by the public security administration law of China. If the criminal suspect or defendant should be arrested, the executing organ may detain him or her promptly, before permitting by the prosecutor's office.

3. The Status of the Obtaining a Guarantor Pending Trial in China

3.1 The lower proportion of application to obtain a guarantor pending trial

According to the above law code of China, we can find that the large-scale of application to obtain a guarantor pending trial, and many criminal suspect or defendant may be obtained a guarantor pending trial, except for the criminal suspects who may be sentenced to life imprisonment and death penalty, or who escape investigation by means of self- injury or self-mutilation, or who are the main criminals of a recidivist or criminal group, or who commit serious violent crimes or other serious crimes. But, practically, the criminal suspect or defendant, who commits only very minor crime, such as, bigamy offense, traffic accident offense, minor crime of theft, and so on, or the law orders that some criminal suspect or defendant must be obtained a guarantor pending trial, such as a pregnant woman and serious illness person, may be applied for obtaining a guarantor pending trial. Most of the suspects are still in custody, and even the newly increased crimes of dangerous driving in recent years, whose are basically not guaranteed pending trial (the most severe sentence of dangerous driving crime is only six months of criminal detention).

The writer was a lawyer working in a law firm in Beijing and statistics about 1000 cases, which happened during the past five years, then find that, in these cases, there are nearly 1300 criminal suspects, less than 50 ones have been obtained the guarantor pending trial.

3.2 The more circumstance of escaping and disobeying the rules [12]

In China, there is no national unified personal credit system, if the criminal suspect or defendant escapes, who has been obtained a guarantor pending trial, either his or her misbehavior cannot be recorded in credit file, or he or she may not bear the criminal responsibility or other punishment measure, except for arresting, changing compulsory measures or confiscating deposit, because of no legal basis. Then, we also have no penalty to the guarantor, who does not report the circumstance promptly, except the guarantor helps the criminal suspect or defendant to escape or conceal intentionally. So, if the criminal suspect or defendant escapes, the procedure of the investigation or lawsuit or judgment will be suspended. It is a large waste to the judicial materials, to prolong the criminal procedure and to hinder the work of judicial department. And meanwhile, the escaping criminal suspect or defendant may endanger the society again.

3.3 No special obtaining a guarantor pending trial system to the juvenile delinquent

From the People's Republic of China founded to now, in the field of criminal law, there is no special law code to regulate the juvenile delinquent, only to have some clauses to explain the juvenile delinquent, such as, in the criminal procedure law of China, Part 5, Chapter 1about the special procedure of juvenile delinquent. These clauses only elaborate that the condition of obtaining the guarantor pending trial to juvenile delinquent is wider than adults. But, no explicit provision to explain which condition can be considered for the juvenile delinquent to apply for the obtaining a guarantor pending trial. In practice, the Part 5, Chapter 1 is too simple and vague to apply accurately.

3.4 To advance the consciousness of the rule by law

The People's Republic of China is founded in 1949, the beginning of 1980, Chinese construction of the rule of law has lasted for 30 years. Although, Chinese people do their best to pursuit administering

the country according to law and make a great progress, the phenomenon of incomplete regulations in various systems is still common.

For example, in the field of criminal justice, affected by the history and traditional consciousness, we often think that, if the criminal suspect is detained, he or she will be guilty verdict, or does not indulge any criminal suspect, or need severe punishment by criminal law. For a long time, the consciousness has not been completely corrected.

This is also reflected in the criminal legislation. For example, the provisions of the criminal procedure law concerns the application conditions for bail pending trial require that the criminal suspect may be sentenced to criminal detention. But how can the possible punishment of the criminal suspect be determined without the trial, investigation or prosecution of the court?

Therefore, under the influence of this subjective consciousness, the agencies that actually handle cases cannot give full consideration to the legitimate rights of criminal suspects. And in practice, the public security organ also thinks that if the criminal suspect is obtained the guarantor pending trial, then escaping, the efficiency of investigation may be influenced, so the compulsory measure of the obtaining a guarantor pending trial often is not applied.

4. The Problem and Prospect of the Obtaining a Guarantor Pending Trial

4.1 A little simple and vague legal provision

To obtain a guarantor pending trial, all the provision we have list in the above article. Thus, we may conclude that the relevant provisions are not very detailed. In the practice, the judicial personnel, when they deal with a criminal case, have a large power of discretion. They may decide whether a criminal suspect or defendant can obtain the guarantor pending trial or not. If like this, the standard of the obtaining the guarantor pending trial is not completely same, perhaps, being very different. Such as paying the bail, its amount is more different and harder to be equal [13]. In the other hand, the application of obtaining the guarantor pending trial is not wide, because the police or prosecutor or judge may not want to bear the responsibility, if having a wrong application, or because of the wrong application, the criminal suspect or defendant escape.

4.2 No enough the executing personnel [14]

The executing organ of the obtaining a guarantor pending trial is the public security organ, and generally, the executing organ is local police station, which is the department of the public security organ. In Beijing, a police station is staffed with about 10 people. The number of people in need of management is 300,000-500,000, at most about 1 million.

So, the personnel of the local police station are very busy, they need do the all administrative work to be managed include household registration, all kinds of daily administrative matters, and deal with the minor dispute in general life, they also supervise the execution of probation of criminal cases, and communal correction and guarantor pending trial in their administrative area.

Thus, the problems are not evitable, because of the shortage number of polices. The judicial personnel do not hope to apply for the obtaining the guarantor pending trial, for avoiding to bring the trouble to investigate or judge, because of the executing personnel not promptly to report or inspect the criminal suspect or defendant, which disobeys the rules of the obtaining the guarantor pending trial.

As a matter of fact, the criminal suspects who have been released on bail. They are only going to report to the investigation and handling organ on a regular basis or on call according to the requirements of the investigation and handling organ. In addition, their daily behaviors are almost unregulated. It can be said that they basically live a normal life for ordinary people. It brings so many problems. For example, the criminal suspect or defendant cannot be educated and managed well or they may bring many new

dangers to society and so on.

4.3 Guarantor fails to supervise and the amount of bail is very low

In the 2012 criminal procedure law of China, only two or three clauses explain the obligation and responsibility of guarantor. And before this law, there is no law to regulate the guarantor. The new criminal procedure law is too simple for the executing personnel and it is difficult to understand how to apply practically. Meanwhile, the newly revised criminal procedure law has not been implemented for a long time, and the guarantors do not have enough understanding of their own responsibilities and have a weak sense of responsibility in judicial practice.

In fact, usually, the guarantor is the relative of criminal suspect or defendant, and does not avoid that the guarantor does not to report or not supervise promptly to the criminal suspect or defendant' behavior. It brings adverse effect on the implement of obtaining the guarantor pending trial.

Then, in the economic criminal cases, the criminal suspect or defendant is often rich. With the increasing theoretical call for the non- imprisonment of punishment, the compulsory measure of obtaining bail and awaiting trial is bound to be more and more common in economic crimes. The least amount of the bail is RMB1000, it may be so little that the criminal suspect or defendant think that if it is forfeited, it doesn't matter. Like this, the bail cannot constrain the criminal suspect or defendant, it weaken the role of the bail. At the same time, there is no specific upper limit for the amount of security deposit, and there is no provision for different amounts of security deposit for different crimes involved, which makes the application of security deposit fall into a very casual state and may cause new dereliction of duty.

4.4 No law of relief to criminal suspect or defendant if not to be obtaining the guarantor pending trial

In China, there is no law of relief or no provision of relief. When the criminal suspect or defendant meets the condition of the obtaining the guarantor pending trial, but he or she cannot be obtaining the guarantor pending trial, he or she or lawyer only complain to the higher organ, which has the power to decide to obtain the guarantor pending trial and no another ways. It lessens the application of the obtaining the guarantor pending trial.

In the case that the author once dealt with, there is such a case, because the criminal suspect has emotional dispute with the victim's ex-wife, the victim can't bear the emotional relationship between the ex-wife and the criminal suspect, the two sides entangle with the criminal suspect theory, causing mutual tearing and beating, but no serious injury, the police station only carries out public security punishment and education criticism, and then both sides will be released.

But the criminal suspect refuses to accept that the victim's injury has not been dealt with. In fact, he thinks that the victim has hit himself a little more heavily, so he tangled up a group of people and smashed the victim's luxury car, but there was no personal injury.

Afterwards, the criminal suspect also regrets that he felt impulsive and asked for compensation for all the losses of the victim and made an apology.

But the victim feels that the behavior of the criminal suspect cannot be forgiven by himself, and the new hatred and old hatred are added together, so he reports the case to the public security organ. The public security organ seizes the criminal suspect on the ground of seeking quarrels and making troubles, and the criminal suspect also voluntarily pleads guilty, and pays the compensation to the public security organ to transfer it to the victim.

At this point in the case, according to the specific circumstances of the case, the criminal suspect's confession attitude and positive compensation behavior, and the daily life and work performance of the criminal suspect, the lawyer believes that the measures taken to obtain a guarantor pending trial will not

harm the society and the victim's personal and property safety, so he puts forward the request of obtaining a guarantor pending trial to the public security organ, and the result is rejected.

The lawyer consults with the public security organ for many times, but it is still not approved. You can't just get bail. The suspect and his family members also think that it is improper for the public security organ to refuse to take the compulsory measures to guarantee the suspect pending trial, but there is no legal way to appeal and negotiate.

This case is a typical application of China's bail pending trial system at this stage. In the process of applying for bail pending trial in the investigation stage, only the public security decides on its own.

Even though the public security decision is biased, lawyers, suspects and family members have no other way to apply for help, which makes the bail pending trial measures, to a large extent, cannot be properly applied and implemented in the judicial process.

4.5 Prospect of the obtaining a guarantor pending trial system

China is a developing country and an all-round international country. With the rapid development of economy and culture, the construction of rule of law has been put in a high position. In a country with orderly society, law is indispensable. In view of the fact that the development of rule of law in China has only gone through 30 years, the reserve of legal talents is still in progress, and the formulation of legal norms is still in the process of perfection. Therefore, problems are inevitable and need to be faced directly by legal persons.

Specifically, the development time of the bail pending trial system is less than 20 years. In the face of the above mentioned application status and problems, we should actively learn from the experience accumulated in the legal formulation and judicial practice of Britain, the United States, Japan and Germany.

In countries of the common law system, the application of bail pending trial is very high, except for some serious violent crimes and serious disturbance of social order In most cases, the measures of obtaining a guarantor pending trial are applied in the process of handling, which is not only conducive to ensuring the legitimate procedural rights of the criminal suspect, finding the evidence of his innocence, but also more importantly to ensuring the justice of the judiciary, reducing the defamation of the judicial image and the infringement of the criminal suspect in the false and wrong cases, and also reducing the state's detention of the criminal suspect Face the financial burden.

The obtaining a guarantor pending trial system is very new to the judicial personnel. It doesn't avoid having some problem, we should face to the status positively and summary the experience, perfect the system. For our pursuit to the rule by law, we need principle of presumption of innocence and protect the right of the criminal suspect or defendant.

Reference

Book

1. <Criminal Procedure Law>, GuangZhong Chen, Peking University Press, 2013

2. <The Research On the Problem and Counter-measure Of the Obtaining a Guarantor Pending Trial System>, Yinghui Song, The People's Public Security University of China Press, 2007

Law Code

1. <People's Republic of China Criminal Procedure law>, adopted in 1979, amended by 1996, 2012.

2. <The Public Security Organ to Deal With the Economical Criminal Cases Provision> ,adopted by the supreme people's court, the supreme people's prosecutor's office, ministry of public security, ministry of state security,No.101,2005

3. < The Public Security Organ to Deal With The Criminal Cases Procedure Provision> adopted by ministry of public security, No.127,2012

4. <The People's Prosecutor's Office Criminal Procedure Rules (trial)>, adopted by the supreme people's prosecutor's office, No.2,2012

5. The supreme people's court about the applicable interpretation to <the People's Republic of China Criminal Procedure Law>, adopted by the supreme people's court, No.21,2012

6. The rules of the supreme people's court, the supreme people's prosecutor's office, ministry of public security about the application to <the Criminal Procedure Law>, Dec. 26th ,2012

7. <Obtaining a Guarantor Pending Trial Provision>, adopted by the supreme people's court, the supreme people's prosecutor's office, ministry of public security, ministry of state security, No.59,1999

Papers

1. <Think of The Status of Obtaining a guarantor pending trial>, Lei Hong, Hao Xu, <HeiBei Legal Science>, 4th , 2012

2. <Research on the Status and Counter-measure of the Obtaining a Guarantor Pending Trial in China>, Yinghui Song, Zhe Li, <People's Prosecutor>, 12th, 2007

3. <Research on the Problem and Counter-measure of Obtaining a Guarantor Pending Trial in China>, Yuxia Geng, Xigen Chen, The Court of China Web, June, 2006