

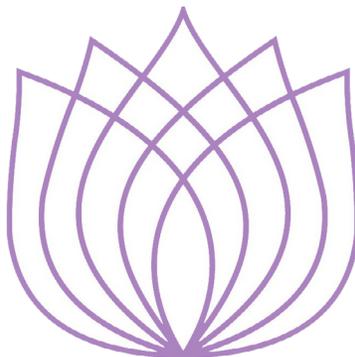
U.S.-Asia Law Institute Program on
Preventing & Redressing
WRONGFUL
CONVICTIONS
2015 - 2019

About the Institute

The U.S.-Asia Law Institute (USALI) of NYU School of Law seeks to promote the rule of law and human rights in Asia. Under the leadership of Professor Jerome A. Cohen, the Institute has carved out a unique space in the field of U.S.-Asia legal exchanges. Our goal is not only to be educated observers of Asian legal systems, but also, when appropriate, honest, fair, and well-informed critics. USALI, which is funded by institutional and individual gifts, serves as a resource and partner to law reformers in Asian countries as they develop their legal systems. At the same time, USALI works to improve popular, professional, and scholarly understanding of East Asian legal systems through its publications and exchanges. USALI is especially well-known in mainland China and Taiwan as one of America's preeminent research centers for the study of East Asian law. In addition, we study Asian states' theory and practice of international law.

About the Wrongful Convictions Program

Preventing and Redressing Wrongful Convictions is one of the U.S.-Asia Law Institute's longest-running and most impactful programs. Its objective is to increase awareness within the Asian criminal justice community of the root causes of wrongful convictions and measures that can help prevent them, resulting in more fair and accurate outcomes. Each year USALI brings leading U.S. experts to lecture in Asia, and invites more than a dozen Asian legal practitioners and scholars to spend several weeks at USALI for an immersive course on wrongful convictions and the innocence movement. USALI also invites participants in Asian innocence projects to come to NYU as visiting scholars.



WHY WRONGFUL CONVICTIONS MATTER

The idea that an innocent person might be convicted of a crime he did not commit is terrifying. Yet we know that serious miscarriages of justice do occur. Since 1989, through the work of the Innocence Project, DNA evidence has exonerated 367 people who had previously been convicted of serious offenses in the United States. The National Registry of Exonerations has documented almost 2,500 such cases, including non-DNA exonerations.

This is not a uniquely American phenomenon. In 2010, a poor farmer in Henan Province in China was released from prison after serving ten years for a murder that never occurred. The supposed victim, Zhao Zhenshang, disappeared from his village and his family was convinced that a neighbor, Zhao Zuohai (no relation), had murdered him. Under pressure from the family and local officials, the police beat a confession out of Zhao Zuohai and a local court convicted him. But 10 years later, Zhao Zhenshang returned to his village, alive. It became obvious that Zhao Zuohai had suffered a terrible miscarriage of justice. His conviction was overturned, and the Chinese criminal justice system entered a period of self-reflection and reform.

Wrongful convictions are terrible personal tragedies. However, they also provide a road map to what's wrong with a criminal justice system and how it can be improved. Through our work in Asia, the U.S.-Asia Law Institute has learned that wrongful convictions are a serious problem in virtually all Asian jurisdictions. We also have identified partner organizations and individuals who are working within their own jurisdictions to exonerate the innocent and reform their criminal justice systems. Organizations dedicated to exonerating the innocent

UNITED STATES: February 15, the Department of Justice establishes the National Commission on Forensic Science to raise forensic science standards.

UNITED STATES: May 20, the documentary Central Park Five wins a prestigious Peabody Award for telling the story of five youths who were wrongly convicted of a high-profile 1989 rape.

CHINA: November 20, a small group of lawyers in Chengdu establish a grassroots innocence organization, Wash Away Wrongs (Xiyuanwang).

CHINA: March 26, Zhejiang Province High Court overturns wrongful convictions of Zhang Gaoping and his nephew, Zhang Hui, after nine years in prison for rape and murder, ushering in a high tide of reversals.

2013

have been formed in mainland China, Japan, and Taiwan. We support them by fostering their cooperation with global experts on the causes and prevention of wrongful convictions.

Every year since 2016, we have convened a multi-week training program on the prevention of wrongful convictions for our Asian colleagues. Leading experts on police interrogation, false confessions, forensic evidence, junk science, tunnel vision, and cognitive bias share their expertise with representatives from mainland China, Japan, Taiwan, Vietnam, and South Korea. To date, about 75 experts from Asia have participated in our program at NYU. Our experts include academics, lawyers, judges, prosecutors, police officials, social scientists, leaders in the U.S. innocence movement, and exonerees. We arrange site visits to New York City's state-of-the-art DNA laboratory and the New York Police Department's interrogation rooms, which are equipped with video and audio recording equipment.

In addition to our NYU-based training programs, we take leading experts to China, including Barry Scheck, Brandon Garrett, Andy Griffiths, Richard Leo, Itiel Dror, Chris Fabricant, Simon Cole, and NYU Law Professor Erin Murphy. We introduce them to large groups of Chinese experts for fruitful discussions about the root causes of wrongful convictions and the measures needed to prevent them.

Our colleagues in Asia deserve great credit for their accomplishments in exonerating the innocent and bringing about meaningful criminal justice reforms. We are proud to help by connecting them to the American and global innocence movements. Through cross-border exchanges, we hope to accelerate the learning process that is necessary to minimize and, one day, eliminate, wrongful convictions.



Ira Belkin
Senior Research Fellow,
Former Executive Director
U.S.-Asia Law Institute

CHINA: Beijing-based law professor Xu Xin establishes the Wuguzhe Project, China's second volunteer organization to take on wrongful conviction cases.

CHINA: May 23, Beijing's Shangquan Law Firm and Chinese University of Politics and Law establish a third Chinese innocence organization, Help the Wronged Project (Mengyuanzhe Yuanzhu Jihua).

UNITED STATES: October 2, Innocence Network launches inaugural International Wrongful Conviction Day.

TAIWAN: March 26, Chen Long-Qi becomes first exoneree of the Taiwan Innocence Project when a new DNA test decisively excludes Chen as the perpetrator.

2014



(L-R) Bingcheng Lo, Barry Scheck & Ira Belkin at Renmin University of China.



Barry Scheck discussing his publications during USALI's 2015 visit to China.



Barry Scheck introduces the mission of the Innocence Project at the People's Public Security University of China.



A full house of students at the People's Public Security University.

2015

UNITED STATES: May 17, USALI begins its Program on Preventing and Redressing Wrongful Convictions with a series of lectures in China.

TAIWAN: February 4, President Ma Ying-jeou promulgates amended Article 420 of the Code of Criminal Procedure, which broadens the grounds for seeking retrials of convictions.

Year 1

When USALI held its first event focused on wrongful convictions in May 2015 in Beijing, we were planning only a two-year program of activities. We invited Barry Scheck, the co-founder of the New York-based Innocence Project, and Bingcheng Lo, the co-founder of the Taiwan Innocence Project, to meet with Chinese legal scholars and members of law enforcement agencies and share what they were learning from practice and new social science studies about the causes of wrongful convictions. Our team also began making plans with Chinese partners to hold an intensive workshop on the subject at New York University the following year. Many of our future discussion questions emerged out of discussions during this trip, including why innocent people make false confessions and how police interrogation techniques can taint witness statements.



CHINA: July 12, offices
of Chinese innocence
project Xiyuanwang
are searched by police,
highlighting sensitivity
of this work.

2015



We were delighted to receive a pamphlet, "West 4th Street Diaries," from Lo Shih-Hsiang, Executive Officer of the Taiwan Innocence Project, documenting his experiences in our workshop.

Professors Erin Murphy, Ira Belkin, and Brandon Garrett presenting at East China University of Politics and Law



A visit to the Office of the Chief Medical Examiner in New York City.

A farewell party at New York University for our 2016 workshop participants.

2016

JAPAN: March 20, Innocence Project Japan hosts its first international wrongful convictions symposium: *The Past, Present and Future of Innocence Efforts in Japan.*

CHINA: February 1, Zhejiang Province High Court exonerates Chen Man of murder-arson after 23 years in prison in the first success of the Xiyuanwang volunteer lawyers.

JAPAN: April 1, establishment of Innocence Project Japan (IPJ).

Year 2

In October 2016 we held our first immersive, month-long workshop about the prevention and redress of wrongful convictions in the United States. Participants included criminal law experts from Japan and China, a prosecutor from South Korea, and a high court judge from Taiwan. The judges, lawyers, and other experts at many of the New York institutions we visited that first year enjoyed being part of the program so much that we have returned to see them annually: the Innocence Project, the New York State Supreme Court in The Bronx, and the New York City Office of the Chief Medical Examiner. Two exonerees told us their stories: Yusef Salaam, one of the “Exonerated Five” from the Central Park Jogger Case, and Derek Hamilton, who studied law while in prison in order to free himself and now advocates for others who claim they were wrongfully convicted. We also invited speakers from the legal academy, including Professor Erin Murphy, a DNA evidence expert at New York University; Professor Richard Leo, an expert on police interrogation practices at the University of San Francisco; and Professor Brandon Garrett, an expert in forensic science and eyewitness identification, then based at the University of Virginia. Later that year, Professors Murphy and Garrett traveled to China to discuss DNA evidence and false confessions at Chinese universities in Chengdu, Beijing, and Shanghai. To our surprise, towards the end of the year we received a thick pamphlet in the mail that had been written and self-published in Taiwan by one of our program participants. The pamphlet, titled “West 4th Street Diaries,” chronicled in words and photos the author’s experience participating in our wrongful convictions workshop, and provided tangible evidence that participants found our program educational and inspiring.

VIETNAM: August 9, Supreme People’s Court overturns the 1973 murder conviction of Tran Van Them. Them was released from prison in 1976 when another person confessed, but his conviction had remained in place.

UNITED STATES: October, USALI holds its first month-long wrongful convictions workshop in New York.

CHINA: December 2, Supreme People’s Court overturns the murder conviction of Nie Shubin, 11 years after another man confessed to the murder and 21 years after Nie was executed.

TAIWAN: November 16, legislature approves the Post-Conviction DNA Testing Act, allowing convicts to file court motions to re-test DNA evidence.

2016



A meeting with attorney Ronald Kuby and exoneree Shabaka Shakur at New York University.



Lunchtime conversations during the 2017 workshop.



Gearing up for a visit to the Office of the Chief Medical Examiner.



Professor Itiel Dror presenting to police detectives in Kunming, China.

TAIWAN: February, exoneree Chen Long-Qi participates in high-level series of national judicial reform meetings.

UNITED STATES:
April 23, National Commission on Forensic Science's charter expires, and is not renewed by the attorney general.

TAIWAN: May 3, Cheng Yen-Fei, wrongly convicted of inflicting injury causing death, is exonerated when the forensic science used to convict him is rejected.

Year 3

In March 2017, USALI staff attended the annual Innocence Project Network Conference in California. This gave us a new perspective on wrongful convictions as a global problem and on efforts to redress and prevent them as a global movement. We met experts from around the world, including Kana Sasakura, the founder of the newly-formed Innocence Project Japan (IPJ). Our partnership with IPJ blossomed over the summer when we took experts to Japan and mainland China to share their work. Neuroscientist Itiel Dror and former U.K. police detective and interrogation expert Dr. Andy Griffiths discussed: What are the cognitive biases that contribute to wrongful convictions? How can a better understanding of psychology reduce the occurrence of wrongful convictions? Their presentations were well received.

We continued to explore the role of psychology in interrogation at our second annual wrongful convictions workshop at NYU in October 2017. We broadened our network of New York-based experts, and brought workshop participants to visit the headquarters and a precinct office of the New York City Police Department.

JAPAN: June 18, Innocence Project Japan partners with USALI to hold a symposium: *Sources and Causes of Wrongfully Convicting the Innocent: From Biased Scientific Evidence to Misguided Interrogation Methods.*

SOUTH KOREA: September 17, Supreme Prosecutors' Office seeks retrial of cases involving 18 people, citing wrongful convictions from evidence fabricated by the prosecution under past military-backed governments.

UNITED STATES: October, USALI holds its second annual wrongful convictions workshop in New York.

2017



Andy Griffiths lecturing at People's Public Security University of China.



Professor Richard Leo and Chinese participants in conversation at People's Public Security University.



Professor Takashi Maruta discussing pretrial detention in Japan at our annual wrongful convictions workshop.



A discussion with The Exonerated Initiative (EXI) during the 2018 workshop at New York University.

2018

VIETNAM: March, Hanoi Police Department conducts a pilot project to reduce torture during interrogation.

VIETNAM: May 17, Ministry of Justice provides guidelines for state compensation to wrongfully convicted persons.

TAIWAN: February 7, Supreme Court orders a retrial in the murder conviction of Wang Chi-Cheng and Hung Shih-Wei, marking the first such ruling by Taiwan's Supreme Court.

Year 4

USALI staff again attended the annual Innocence Project Network Conference, this time in Tennessee. We organized a panel discussion titled “Innocence Movements in Asia,” featuring representatives from the Innocence Project Taiwan and Innocence Project Japan along with Professor He Jiahong of People’s University of China and USALI Research Scholar Chi Yin. It was the first time that the Innocence Project Network Conference hosted a panel exclusively focused on East Asian innocence movements. We were proud to help raise the international profile of our partners.

In May, we headed to China once more. Professor Richard Leo of the University of San Francisco and UK interrogation expert Dr. Andy Griffiths gave presentations at Chinese universities. This time they focused on false confessions and police interrogations, one of the most difficult problems contributing to wrongful convictions in China. A Chinese professor who teaches interrogation told us after hearing Leo and Griffiths present that they had changed his thinking. The professor was an advocate of the “Reid Technique” of interrogation, an aggressive method in which investigators push their subjects to confess. He even translated a book about the technique into Chinese. But after hearing Leo and Griffiths, he told us that he was interested in learning more about the PEACE method, an alternate form of interrogation. PEACE, which stands for “Planning and Preparation, Engage and Explain, obtain an Account, Closure and Evaluation”, directs interrogators to ask open-ended questions with a focus on eliciting information rather than a confession. Comments like this one from the Chinese professor provide evidence that our programs have impact.

In October, we hosted our third New York-based workshop. The number and diversity of participants continued to grow, as we were joined by our first participant from Vietnam. We made an important addition to our expert lineup with Saul Kassin, a professor of psychology at John Jay College of Criminal Justice and pioneer in researching police-induced confessions.

ASIA: August 24, attendees at regional conference hosted by Taiwan Innocence Project establish Asia Innocence Network.

UNITED STATES: October, USALI holds its third annual wrongful convictions workshop in New York.

CHINA: November 30, Jin Zhehong, whose murder conviction was overturned with the help of Xiyuanwang lawyers, receives a record-setting ¥4,680,000 RMB (\$656,000 USD) in state compensation.

TAIWAN: August 8, Su Pin-Kun who had received a presidential pardon for robbery-murder decades ago, is formally exonerated by a court.

2018



Chris Fabricant, director of strategic litigation at the Innocence Project, speaking at Renmin University in China.

Day One of the 2019 wrongful convictions workshop begins with a full house.



Meredith Kennedy, Director of the Innocence Network, introduces its work.

Workshop participants meet former police detective James L. Trainum, an expert in police interrogation techniques.

JAPAN: January 12, Innocence Project Japan partners with USALI to hold a symposium: *The Frontier of the Innocence Movement in the United States*.

JAPAN: June 26, Supreme Court overturns lower courts to block retrial for 92-year-old woman convicted of a 1979 murder.

Year 5

In January we invited Chris Fabricant of the Innocence Project and Simon Cole, professor of criminology at the University of California, Irvine, to China and Japan to make presentations about the role of “junk science” in wrongful convictions. In the spring, USALI staff attended the Innocence Project Network conference in Atlanta, Georgia. We were accompanied by USALI Visiting Scholar Huang Jiade, a criminal defense lawyer from Beijing who has worked on wrongful conviction cases as part of his law firm’s innocence project. It was the first time for a representative from a grassroots Chinese innocence project to attend the network conference and exchange experiences with international colleagues.

In late September, our fourth New York-based workshop was attended by more than two dozen participants from mainland China, Taiwan, Japan, South Korea, and Vietnam. Each year the program has gained in size, as word of mouth from past participants spreads. This year, for the first time, we took advantage of the presence of so many East Asian wrongful conviction specialists at NYU to organize a speaker event open to the law school and general public. Our message is that wrongful convictions occur in all kinds of legal systems, and many of the underlying factors are the same: investigators’ tunnel vision, witness misidentification, junk science and police-induced false confessions. By sharing information about investigative and evidentiary flaws, we can strengthen our respective criminal justice systems and prevent injustices.

VIETNAM:
September 11,
prime minister
approves a
program to
install audio and
video recording
devices in all
interrogation
rooms nationwide.

UNITED STATES:
September, USALI holds its
fourth annual wrongful
convictions workshop in
New York.

From our Program Participants

"I benefited from the program and have just finished a research paper which focuses on the relation of interrogation to wrongful convictions As promised, I am taking part in correcting wrongful convictions through cases." - Participant from mainland China (2018)

"Since my participation in the program ... I published several articles in the Peking University Law Journal and Criminal Science regarding scientific evidence in wrongful convictions, the logic between wrongful convictions and the reform of Chinese evidentiary institutions." - Participant from mainland China (2017)

"Since my participation in the program, I've continued to use what I learned in the program by having two private discussions about USALI's Wrongful Conviction Program with individuals in the Supreme People's Court of Vietnam and Vietnam Bar Federation. Since 2017, I am also involved with the Vietnam Bar Federation to lobby for the revision of a circular from the Ministry of Interior to guarantee the right of counsel during the investigation process." - Participant from Vietnam (2017)

"After the program, I lectured on different strategies in the U.S. in redressing wrongful convictions and some cutting-edge research outcomes.... At the same time, with the support of lawyers at Shangquan, we subsequently exonerated three wrongful conviction cases." - Participant from mainland China (2016)

"I benefited from this training in my research and teaching. Now, during trainings offered to police, prosecutorial and judiciary organs ... I repeatedly lecture on issues like prevention of wrongful convictions and analysis of evidence, using quite a lot of information and material obtained through this program." - Participant from mainland China (2016)



USALI at a round table discussion on wrongful convictions at East China University of Politics and Law (ECUPL) in 2018.



A group photograph of our 2018 workshop participants at the USALI office in New York City.



迫在

自己的冤案
自己救

冤案救援新世紀：

What can Innocence Movements in the U.S. and Asia learn from each other?

EXONERATED! FROM CENTRAL PARK TO EAST ASIA



Tuesday, October 8th

10:00 AM - 12:00 PM

Lipton Hall & Faculty Lounge
108 West Third Street

RSVP @ USALI.ORG

Rachel Barkow, Faculty Director of Center on the Administration of Criminal Law

Sarah Burns, Filmmaker of Central Park 5

Akiko Kogawara, Associate Professor of Law, Ryukoku University

Kevin Richardson, one of the "The Exonerated Five"

Chen Yu-ning, partner at HL & Partners, and the first director of Taiwan Innocence Project

Lena Yueying Zhong, City University of Hong Kong Criminologist

U.S.-Asia Law Institute / Center on the Administration of Criminal Law / Asia Law Society

