

In February 1998 the nephew of Zhao Zhenzhang reported his uncle was missing to the police in Zhaolou, a village in China's Henan province. He reported his uncle had not been seen for more than four months. He also told the police he suspected a man named Zhao Zuohai killed his uncle. The police detained Zuohai while they investigated, but they did not find any evidence Zhenzhang was murdered or that he was even dead. Zuohai told the police that he and Zhenzhang had gotten into a fight in October 1997 and after Zhenzhang hit him hard on the head he disappeared. The police released Zuohai for lack of evidence after detaining him for more than 20 days.

The next year, in May 1999, a corpse was found while a well was being dug in Zhaolou. It couldn't be identified because the head was missing and the body was badly decomposed. Zhenzhang's relatives told the police they believed it was his corpse. On May 9 detectives held a village meeting during which the corpse was tentatively identified as Zhenzhang. Zuohai was immediately detained as his suspected murderer. The police vice-director – Ding Zhongqiu –

Zhao Zuohai Released After 11 Years Imprisonment When Murder Victim Turns Up Alive

By Hong Liu

instructed that Zuohai would be interrogated continuously by investigators divided into three groups.

For more than a month, from May 8 to June 10, Zuohai was tied either to a chair leg, the leg of a bed, or a motorcycle. During interrogations a gun was held to his head and he was beaten with a stick or the handgun. He was not allowed to rest for long periods of time and poorly fed. Zuohai confessed nine times, but after his interrogations ended he recanted them, claiming he had been tortured to make them.

Zuohai's wife was also arrested and detained for more than a month. She was beaten until she confessed that plastic bags found around the headless body came from their house. After her release she recanted, saying she had been forced to make her confession.

In spite of Zuohai and his wife's confessions, prosecutors twice did not approve the police's application to prosecute him, because there was no reasonable proof the corpse was Zhenzhang. Although the prosecutors refused to consider the case again, the police insisted Zuohai was guilty and detained him indefinitely without charges.

After Zuohai had been in custody for almost 3-1/2 years, in August 2002 there was a national campaign to review cases involving a suspect's extended detention. The police submitted Zuohai's case to the local political-legal committee. The committee approved Zuohai's prosecution based on his nine confessions and his wife's confessions. Within 45 days Zuohai was tried for capital



Zhao Zuohai

murder. Zuohai's defense was there was no positive evidence the corpse was Zhenzhang's body or that he was dead, and his nine confessions and his wife's confessions were false and coerced. Zuohai was convicted in October 2002 of Zhenzhang's murder and sentenced to death. His sentence was later commuted to 29 years in prison at forced labor.

On April 30, 2010, Zhenzhang dramatically appeared 12-1/2 years after his nephew last saw him. Zhenzhang told the police that the day he left he had fought with Zuohai over a woman and hit him on the head with a kitchen knife. He thought Zuohai might die from the blow so he ran away to avoid being charged with murder. He only returned because he was seriously ill and needed to file his claim for government welfare payments in his home village of Zhaolou.

Less than a week after Zhenzhang's return the High Court of Henan province began reviewing Zuohai's case. On May 8 the High Court ruled Zuohai was innocent of murder and ordered his immediate release. Five days later Zuohai was awarded "state compensation" of US\$96,000 (650,000 yuan) for his 7-1/2 years of imprisonment after his conviction. He was not compensated for his 3-1/2 years of pre-trial detention.

In July 2010 five police investigators were criminally charged with torturing Zuohai to force his false confessions. The head of Zuohai's investigation – former police vice-director Ding Zhongqiu – was charged with dereliction of duty.

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China Raises Wrongful Conviction Compensation To \$18.50 Per Day

China increased its compensation to a wrongly convicted person to \$18.50 per day (125.43 yuan), from the current rate of about \$2 per day (13.44 yuan) of imprisonment. The new compensation rate that equals \$6,750 per year of wrongful imprisonment, took effect on December 1, 2010.

Source: China Raises Compensation Level for Wrongful Imprisonment, CriEnglish.com, July 16, 2010.

Kirstin Blaise Lobato Files 770-page Habeas Corpus Petition

Kirstin Blaise Lobato's story of twice being convicted in the murder of a homeless man in Las Vegas on July 8, 2001, when the then 18-year-old was 170 miles from the crime scene, was recounted in *Justice Denied* Issues 26 (Fall 2004) and 34 (Fall 2006). After her convictions became final Lobato filed a *pro se* 770-page Nevada state petition for a writ of *habeas*



Kirstin Blaise Lobato while awaiting her 2006 retrial

corpus to be granted a new trial. The petition includes 79 grounds, including 21 new evidence grounds, 2 grounds the prosecution concealed exculpatory evidence, 1 ground each of prosecutor, police and jury misconduct, 52 grounds of ineffective assistance of counsel, and one ground of her actual innocence.

The new evidence includes reports by: Four forensic entomologists; a forensic pathologist; two impressions experts; a foren-

sic scientist; a dental expert; a polygraph expert; and a psychology expert.

In November 2006 Travis Barrick, the losing candidate for Nevada Attorney General in the 2010 election agree to represent Lobato *pro bono* in her state *habeas* petition.

The revised and updated version of *Kirstin Blaise Lobato's Unreasonable Conviction* by Hans Sherrer was published in November 2010. See page 15 for order information.

Extensive information about Lobato's case is at, www.justicedenied.org/kbl.htm