A stylized map of Asia and the United States is shown in the background, rendered in a light blue color against a darker blue background. The map highlights the geographical relationship between the two regions.

TRENDS IN THE INNOCENCE MOVEMENT IN ASIA AND THE U.S.

US-Asia Law Institute

In partnership with:

The Innocence Project

The Innocence Network

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Taiwan Innocence Project

Innocence Project Japan

UCI Newkirk Center for Science & Society

2020.12

Trends in the Innocence Movement in Asia and the US

Date: December 8, 2020

Time: 7:30-9:30 pm (Eastern Time)

Title: Trends in the Innocence Movement in Asia and the US

Introduction: [Katherine Wilhelm](#) (Executive Director, USALI)

Opening Remarks: [Peter Neufeld](#) (Co-Founder & Special Counsel, The Innocence Project)

On the Recent Development of the Innocence Network

[Meredith Kennedy](#) (Director of Innocence Network Support Unit, The Innocence Project; Director, Innocence Network)

Panel 1: Eliminating the Use of Junk Science

Moderator: [Ira Belkin](#) (Senior Research Scholar, USALI)

Panelists:

[Chris Fabricant](#) (Director of Strategic Litigation, The Innocence Project)

[Yu Tianmiao](#) (Defense Attorney, Shangquan Law Office)

[Kana Sasakura](#) (Deputy Director, Innocence Project Japan; Co-Director, SBS Review Project Japan)

[Simon Cole](#) (Director and Associate Editor, The National Registry of Exonerations)

Panel 2: The Role of Prosecutors in Wrongful Convictions and Exonerations

Moderator: [Ira Belkin](#) (Senior Research Scholar, USALI)

Panelists:

[Sharon Beckman](#) (Director, Boston College Innocence Program)


[Huang Jiade](#) (Volunteer lawyer, "Save the Innocence" Exoneration Initiative)

[Ko Yun-ching](#) (Communication Director, Taiwan Innocence Project)

[Samuel Gross](#) (Senior Editor and Co-Founder, The National Registry of Exonerations)

Q&A

Closing remarks: [Jerry Cohen](#) (Faculty Director Emeritus, USALI)

A graphic featuring a map of Asia and the United States. The map is rendered in shades of blue and purple, with the U.S. portion on the right and the Asian portion on the left. The background is a solid blue color.

TRENDS IN THE INNOCENCE MOVEMENT IN ASIA AND THE U.S.

Tuesday, December 8, 2020
7:30 - 9:30 pm
U.S. Eastern Time



U.S.-Asia Law Institute
New York University
School of Law

Organized by: U.S.-Asia Law Institute of New York University School of Law

In partnership with:

The Innocence Project

The Innocence Network

洗冤网 (xiyuanwang.net)

台灣冤獄平反協會 (Taiwan Innocence Project)

えん罪救済センター (Innocence Project Japan)

UCI Newkirk Center for Science & Society

The Innocence Project

[The Innocence Project](#), founded in 1992 by Peter Neufeld and Barry Scheck at Cardozo School of Law, exonerates the wrongly convicted through DNA testing and reforms the criminal justice system to prevent future injustice. It is its mission to free the staggering number of innocent people who remain incarcerated, and to bring reform to the system responsible for their unjust imprisonment. To date, 375 people in the United States have been exonerated by DNA testing, including 21 who served time on death row. These people served an average of 14 years in prison before exoneration and release. In 2020 alone, [9 wrongfully convicted people were freed or exonerated](#).

The Strategic Litigation department at the Innocence Project works through the courts and the legal system to address the leading causes of wrongful conviction and prevent future injustice.

By reflecting the lessons learned from DNA exonerations, the policy department works with Congress, state legislatures and local leaders to pass laws and policies that prevent wrongful convictions and make it easier for the innocent to receive justice. In 2020, [11 laws have been passed](#) to prevent wrongful convictions and make it easier for the innocent to get justice.

In addition, the Social Work department reaches out to exonerees before they have even left prison to assess what type of support they will need to restore their lives.

Check here to read Innocence Project's [Year in Review](#).

The Innocence Network

[The Innocence Network](#) is an affiliation of 69 organizations from all over the world dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted, and working to redress the causes of wrongful convictions. Currently, the Innocence Network consists of 56 U.S. based and 13 non-U.S. based organizations.

The majority of the Innocence Network's members are based in the United States and are mainly focused on criminal justice reform in the United States, but the Network also includes non-U.S. organizations that meet its membership criteria.

In the past year, 1,400 people were represented collectively by all Network member organizations, most of whom are indigent. About 22,330 people reached out for the first time to an innocence organization, looking for assistance. In 2019, 67 persons were exonerated thanks to work of network members – the highest in any calendar year. Six organizations last year recorded more than 10,000 hours contributed by pro bono attorneys.

The National Registry of Exonerations

[The National Registry of Exonerations](#) is a project of the University of Michigan Law School, Michigan State University College of Law and the University of California Irvine's Newkirk Center for Science and Society. The Registry was co-founded in 2012 with the Center on Wrongful Convictions at Northwestern University School of Law to provide detailed information about known exonerations in the United States since 1989. The Registry also maintains a more limited database of known exonerations prior to 1989. As of December 2020, the Registry has recorded 2,697 exonerations in the US since 1989.

The mission of the Registry is to provide comprehensive information about exonerations of innocent criminal defendants in order to prevent future false convictions by learning from past errors. It collects, analyzes and disseminates information about all known exonerations, provides accessible, searchable online statistical data about their cases, and conducts empirical studies of the process of exoneration and of factors that lead to the underlying wrongful convictions.

The primary goal of the Registry is to reform the criminal justice system, reduce, if not eliminate, these tragic errors in the future and make police officers, prosecutors, defense attorneys and judges more sensitive to the problem of wrongful convictions and more willing to reconsider the guilt of defendants who have already been convicted when new evidence of innocence comes to light.

[In 2019](#), the Registry recorded 143 new exonerations, with 1,908 years in total, 13.3 years on average lost to prison. Altogether nationwide, Conviction Integrity Units (CIUs) and innocence organizations (IOs) participated in 87 of the 143 exonerations in 2019. And they worked in cooperation on 35 of those 87 exonerations—more than half of all exonerations by IOs in 2019, and almost two-thirds of exonerations by CIUs.

In September 2020, the Registry published a comprehensive report titled “[Government Misconduct and Convicting the Innocent, The Role of Prosecutors, Police and Other Law Enforcement](#)”. The report categorizes official misconduct into five major types and concludes that in 54% of first 2400 exonerations in the US since 1989, misconduct by government officials contributed to the conviction of innocence defendants.

In October, the Registry's new [Groups Registry](#) went public. As the third registry, joining the main registry and pre-1989 archive of exonerated individuals, the Groups Registry focuses on groups of defendants tied together by a common pattern of systematic official misconduct in the investigation and prosecution of these cases that undermined confidence in the defendants' convictions.

The “Legal Aid Program for the Wrongfully Convicted” at Shangquan Law Office 尚权蒙冤者援助计划

In May 2014, Beijing Shangquan Law Office and the Criminal Legal Aid Research Center of China University of Political Science and Law jointly launched the “[Legal Aid Program for the Wrongfully Convicted](#)”. Inspired by “The Innocence Project” of the United States, the Legal Aid Program provides free legal representations to wrongfully convicted people involved in serious violent crimes carrying a sentence of life imprisonment or death penalty. Due to limited funds and manpower, they only take post-conviction cases in which the existing inculpatory evidence is obviously insufficient. As a pro bono project, all the expenses involved are borne by Beijing Shangquan Law Office and volunteer lawyers who participate in the project. It widely engages well-known scholars, criminal law practitioners, the media, experienced criminal defense lawyers and postgraduates in China to provide high-quality assistance to people most in need. The size of Shangquan’s legal aid lawyer team increased from 12 in 2014 to 72 this year.

Over the past five years, the project has received a total of more than 400 applications. After careful review and selection, 23 cases have been taken. Among these cases, 16 people in seven cases have been exonerated; they collectively served 224 years behind bars. In these exoneration cases, the leading factors that produced the wrongful convictions include false and coerced confessions, misapplication of physical/forensic evidence, flawed forensic reports, and unreliable witness statements, including jailhouse informants’ statements.

Check the [short video](#) about the highlights of the program in the past five years

Xiyuanwang.net (洗冤网)

[Xiyuanwang.net](#) is a website dedicated to showcasing nationwide exoneration efforts and achievements. It was established by the founders of the “Save the Innocent” Exoneration Initiative on November 20, 2013 in Chengdu, Sichuan Province. The Exoneration Initiative was initiated by Li Jinxing, a well-known defense lawyer, with co-founders Wang Wanqiong, Chen Jiangang, and Zhang Lei. Mr. Wu Changlong, an exoneree in a bombing case who spent 12 years in prison for a crime he never committed, was invited to be an ambassador for the initiative. On the same day it was established, the initiative decided to take as its first case the Chen Man arson-murder case in Hainan Province. They were ultimately successful: Chen Man was released from prison in 2016 after 24 years in detention.

Xiyuanwang.net cooperates with *pro bono* lawyers, medical examiners, media, scholars, and experts. The unique historical background of the innocence movement in China contributes to the complicity and heavy workload of the exoneration work. As a result, people dedicated to this cause need to jump out of the box and think creatively to help the wrongfully convicted.

As of December 2020, the initiative has sought the exoneration of nine defendants in seven non-DNA cases. One case was remanded to the lower court after the higher court vacated the conviction; several other cases are in the process of petitioning for a retrial.

Innocence Project Japan (えん罪救済センター)

[Innocence Project Japan \(えん罪救済センター\)](#) is an organization based in Kyoto, Japan, that is dedicated to supporting and redressing wrongfully accused or convicted cases in Japan. IPJ was founded in April 2016 by a group of lawyers, scholars, and scientists. The efforts to establish an innocence organization started in 2015, when several scholars and lawyers gathered to discuss miscarriages of justice in Japan.

There are currently about 30 board members including attorneys, law professors, psychology scholars, a computer scientist, and two former scientists at police crime laboratories. In addition, volunteer attorneys work on cases pro bono. IPJ provides legal assistance in convicted cases as well as cases that have not yet been decided, since it is extremely difficult to obtain a retrial in Japan after conviction. It has received more than 370 requests for assistance. The cases range from minor cases to murder. The past year saw exonerations in two cases that IPJ supported: the Koto-Memorial Hospital murder case from Shiga Prefecture and the “abusive head trauma” case from Osaka Prefecture.

IPJ continues to grow its network of lawyers and experts who are interested in working with and volunteering for cases of wrongful accusation and conviction. The fields of expertise of network members include: DNA analysis, false confessions analysis, and forensic image analysis.

Although it is not yet a member of the NY-based Innocence Network, IPJ hopes to become one in the next few years. In 2018, IPJ, together with the Taiwan Innocence Project, co-hosted the first Asian Innocence Network (AIN) conference. In 2019 IPJ hosted the second annual AIN conference in Kyoto.

SBS Review Project Japan (SBS 検証プロジェクト)

[SBS Review Project Japan \(SRP\)](#) is an organization based in Osaka and dedicated to helping persons accused or convicted of shaken baby syndrome (SBS) / abusive head trauma (AHT).

Since around 2010, Japan has seen an increased number of convictions based on the SBS/AHT hypothesis. Many caretakers have been accused of abusing babies by shaking them. Their indictments were based on the SBS hypothesis, which presupposes the baby must have been violently shaken if there is a triad of certain symptoms. In 2017, attorneys and scholars teamed up and founded the SRP to research debates in other countries and use the knowledge to exonerate persons who had been wrongfully accused of abuse.

Since it was established, attorneys in the project have won acquittals in seven cases and had charges dropped in more than 13 cases. It has held several international symposia and invited academics and attorneys from the U.S., UK, and Sweden. It holds seminars for attorneys litigating SBS/AHT cases and educates the public through meetings and media. It also holds meetings for families and persons accused of abuse. SRP also has cooperative ties with forensic pathologists, neurosurgeons and radiologists.

Taiwan Innocence Project (台灣冤獄平反協會)

[Taiwan Innocence Project \(TIP\)](#) was founded in 2012 to address the issue of wrongful convictions in Taiwan. It provides pro bono legal services to the wrongfully convicted, works to redress the causes of wrongful convictions, and supports the exonerated after they are proven innocent.

TIP only accepts post-conviction cases where there is a claim of innocence, either due to flawed forensic evidence or severe due process violations. Since its establishment in 2012, TIP has received more than 1,500 claims of innocence. So far, TIP has accepted 29 cases with 33 clients, including three death-row clients and two clients who were sentenced to life imprisonment. Since 2012, TIP has achieved 10 exonerations, including a death-row exoneration in 2020.

The latest exoneration was of Mr. Hsieh Chih-Hung, who was sentenced to death in 2011. He consistently maintained his innocence. In 2018, the Taiwan High Prosecutors Office restarted an investigation, and eventually filed a retrial motion for Hsieh. His case was reopened in 2019. Hsieh was allowed to return home after 6,834 days behind bars. On May 15th, 2020, the High Court Tainan Branch issued a non-guilty verdict. After 7,262 days, Hsieh finally received delayed justice.

In addition to exonerating the innocent, TIP also pushes to reform the criminal justice system. In December 2019, the Taiwan Legislative Yuan passed an amendment to the Code of Criminal Procedure that enhances defendants' procedural protections. TIP also closely follows the reform of the Criminal Compensation Law to provide more support for exonerates.

In light of urgent need for empirical studies of wrongful convictions in Taiwan, TIP set up a new research unit in mid-2019, which is dedicated to analyzing errors that lead to miscarriages of justice and formulating feasible reform plans to reduce or eliminate wrongful convictions in the future.

Prosecutors in Taiwan are required to pay attention to circumstances both favorable and unfavorable to the accused. In recent years, prosecutors have been playing a new role in correcting wrongful convictions. In the latest two death-row exonerations, prosecutors filed petitions for retrial, contributing to final exonerations in both cases.