**////Title:** **Exploring the Impact of the Death Penalty on a Convict’s Family**

**////Standfirst:**

So far, very few research studies have investigated the effects of criminal convictions on the families of defendants. Dr Hong Lu, a Professor of Criminal Justice at University of Nevada, along with her co-authors, Dr Yudu Li and Dr Bin Liang, carried out a study examining how the family of Nian Bin, the defendant in a high-profile capital case in China who received four death sentences, managed the physical, emotional, financial, and legal challenges they faced after their relative’s conviction.

**////Main text:**

A criminal conviction can deeply impact the lives of the families of the accused. Over the past decades, Western countries introduced measures designed to inform the families of criminal defendants of their rights and support their healing process after their loved one’s conviction.

These interventions are part of the ‘restorative justice movement’, an international social movement aimed at collectively addressing the most challenging aspects of criminal convictions, by empowering convicts, their families, victims, and all other parties involved in crime.

Better understanding the needs of criminal defendants’ families and the challenges they face after their loved ones are convicted is of crucial importance, as it could help to devise more effective interventions to re-integrate ex-convicts into society and facilitate their family’s recovery.

While past studies have assessed aspects of the restorative justice movement, the impact of a death row sentence on a defendant’s family has rarely been examined before, particularly outside of Western countries.

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Dr Hong Lu, a Professor of Criminal Justice at University of Nevada, along with Dr Li and Dr Liang, carried out a study aimed at filling this gap, by examining the challenges faced by the family of a criminal defendant in a high-profile capital case in China, known as the Nian Bin case, and the strategies employed to change the defendant’s fate.

Family bonds are incredibly important in China, as the Confucian culture prioritises harmony and community over rights and individualism. Families thus play a particularly crucial role in the rehabilitation and restoration of convicts, especially given the lack of transparency of China’s political and judicial system, as well as widespread traditions based on family honour and shame.

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Most existing studies exploring the consequences of criminal convictions in China focus on victims and their families. Instead, Dr Lu wished to examine the impact of these convictions on the families of the criminal defendants.

Her paper focuses on the experience of Nian Bin’s family, particularly that of his sister, who played a key role in his acquittal. Nian Bin, born in 1976, was arrested in 2006 and charged of murdering his neighbours’ children with rat poison.

After his arrest, he attended eight trials and ten hearings, receiving a total of four death sentences. His sister, Jianlan, was the only person with a college degree in the family and was hence assigned the task of fighting for her brother’s exoneration.

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The first part of Dr Lu’s analysis looks at how Jianlan’s efforts to save her brother from death row evolved over time. Convinced of her brother’s innocence and optimistic that justice would prevail, Jianlan initially took an administrative route, contacting the Chinese Letter and Petition committee so that they would instruct local officials to seek for errors in her brothers’ case.

This process proved to be fruitless and discouraging, so she started drawing the public’s attention on her brother’s case to place pressure on the court, by distributing flyers to passers-by, setting up banners in front of government buildings, talking with media representatives, and writing about the case on her blog and social media platforms.

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Over time, Jianlan became more cautious in her media activity, as she realised that petitioning or accusing the government would only make matters worse. She also started tactically avoiding official surveillance, by carrying documents that did not contain her residential address, talking in secret codes over the phone, and using unconventional platforms to communicate with lawyers or forensic experts.

After her brother was first sentenced to death in 2008, Jianlan decided to hire Lawyer Zhang, a more competent lawyer who worked on similar cases in the past. Zhang and the rest of the defence team identified errors in Nian’s case that ultimately led to his exoneration, including a gap in his confession tape indicating coercion or tampering, and the suppression of key witness testimonies.

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In the second part of her analysis, Dr Lu explores the severe challenges faced by the Nian family after Nian Bin’s arrest. His convictions weighed heavily on his family, as his parents were forced to flee their village and move to Fuzhou, where his father died and his mother became mentally ill. Nian’s four-year-old son was told that his father was working oversees, and his wife raised him alone for the eight years of his detention.

In prison, Nian was tortured, shackled, subjected to all kinds of humiliation, and lived dreading his execution, growing more devastated after each of his convictions. Following his acquittal and release from prison in 2014, he was diagnosed with several health problems, including muscular atrophy, spinal deformity, migraines, hand numbness, severe PTSD, and depression.

Nian continues to receive threats, cannot return to his native village, and has not yet made amends with his son. To make matters worse, he received minimal compensation that did not even cover his legal fees.

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Nian’s case also altered the life of his sister, who gave up her job as an accountant, stopped dating, and focused all her energies on fighting for his exoneration. Throughout the case, Jianlan also suffered from depression, extreme stress, and anxiety attacks.

She told the media that her brother’s case consumed her life and does so to this day, as she is still working hard to support her brother and his family after his release. During her eight years of fighting for her brother’s freedom, Jianlan gained extensive knowledge of the Chinese criminal justice system and she now also offers legal assistance to others in similar situations.

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In the final part of her paper, Dr Lu looks at the relationship between the Nian family and the victims’ families, the Ding and Yu families. Although the families were friendly before Nian was arrested, while he was detained the Ding family severely vandalised his house, hung up banners against Nian and his defence lawyers, expressed their resentment towards him on local media, and assaulted his sister in court.

The victims’ family remained convinced of his guilt even after his acquittal. Today, they still protest the court’s decision and curse his relatives in the street. In interviews, Jianlan expressed her sympathy for the victims’ family and said that she never blamed them for her brother’s convictions. However, unless the real culprit is found, the two families are unlikely to ever make peace with each other.

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Dr Lu’s paper offers valuable insight about the immense anguish and challenges that the families of criminal defendants sentenced to death often face in China. The Nian case clearly highlights some of the Chinese criminal justice system’s flaws, showing that a defendant’s family often needs to make immense sacrifices and suffer incredibly on their quest to overturn a loved one’s death sentence.

In the future, Dr Lu’s work could inform new studies focusing on restorative justice for death penalty cases and reconciliation between affected families in China. This could in turn pave the way for new initiatives and programs aimed at supporting the families of both victims and criminal defendants.

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This SciPod is a summary of the paper ‘Criminal Defendants’ Family and the Death Penalty in China- A Case Analysis’ in China Journal of Social Work, 2020. [doi.org/10.1080/17525098.2020.1780000](https://doi.org/10.1080/17525098.2020.1780000)

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