

## ACCESS TO JUSTICE

*Introduction*

While many Chinese citizens persist in seeking redress for violations of their rights,<sup>1</sup> the Commission continued to observe a significant discrepancy between official statements that affirm the importance of law-based governance<sup>2</sup> or that promote recent legal developments<sup>3</sup> and the actual ability of citizens to access justice.<sup>4</sup> Developments during the 2017 reporting year also continued to demonstrate that individuals and groups who attempt to help citizens advocate for their rights do so at significant professional and personal risk.

*Judicial Reform Efforts*

During this past year, the Commission observed some progress and ongoing challenges as Chinese courts and local governments implemented certain key areas of the judicial reforms outlined in the Chinese Communist Party Central Committee Fourth Plenum Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law (Fourth Plenum Decision) from October 2014.<sup>5</sup> Key developments included the following areas.

## JUDICIAL INDEPENDENCE

The Commission continued to observe actions and statements by Chinese authorities that contradict their claim of judicial independence. The Supreme People's Court (SPC) repeatedly emphasized the Chinese Communist Party's leadership role over the judiciary.<sup>6</sup> At a conference held in January 2017, SPC President Zhou Qiang urged high court presidents from across China to reject Western ideals including "constitutional democracy, separation of powers, and judicial independence."<sup>7</sup> The SPC-run People's Court Daily published a series of articles arguing that Chinese courts retain independence in decisionmaking even while they are subject to the Party's leadership.<sup>8</sup> Some legal professionals and scholars, however, viewed Zhou's speech as a setback in the progress toward judicial independence.<sup>9</sup>

In his March 2017 delivery of the SPC's annual work report, Zhou Qiang reiterated the SPC's goal of judicial independence, yet in the same presentation, he noted the convictions of rights lawyer Zhou Shifeng and other rights advocates<sup>10</sup> as key achievements of the court system in 2016.<sup>11</sup> Amnesty International and other human rights organizations characterized these trials as politically motivated,<sup>12</sup> and one China-based lawyer said the SPC work report signified that the court system is a political tool of the Party.<sup>13</sup> In this past year, reports of other politically motivated convictions continued to emerge.<sup>14</sup> [See Section II—Criminal Justice for more information.]

The Party continued to exert control over the judiciary, including the four newly established cross-jurisdictional circuit tribunals<sup>15</sup> that have a mandate to improve judicial independence by preventing interference by local officials.<sup>16</sup> An inspection group under central Party authorities conducted an inspection beginning in No-

## Access to Justice

2

vember 2016<sup>17</sup> to ensure ideological alignment of the SPC,<sup>18</sup> which in turn exerts leadership over the circuit tribunals<sup>19</sup> through their Party branch groups.<sup>20</sup> In July 2017, the SPC issued an opinion with a provision instructing chief judges to carry out plans made by Party branch groups and adjudication committees.<sup>21</sup>

### JUDICIAL ACCOUNTABILITY

Although a senior Party official declared that courts had substantially achieved accountability reforms,<sup>22</sup> implementation by lower courts remained at an initial stage, and certain problems that authorities intended to correct persisted in some localities. Meng Jianzhu, a Party Central Committee Political Bureau member and Political and Legal Affairs Commission Secretary, said in January 2017 that central Party authorities had substantially completed the policy-making aspect of the judicial accountability reform,<sup>23</sup> and in a subsequent meeting urged political and legal affairs committee leaders to complete basic reform efforts before the 19th National Congress of the Chinese Communist Party<sup>24</sup> scheduled to take place in the latter part of 2017.<sup>25</sup> In April, the SPC clarified the supervisory roles of provincial-level court presidents and chief judges, and generally prohibited them from giving oral or written instructions on cases that they did not hear.<sup>26</sup> Some lower courts have issued rules to implement the reform<sup>27</sup> or held meetings for that purpose.<sup>28</sup> Nevertheless, an SPC official responsible for judicial reform reported that certain problems regarding accountability persisted in some localities, which included court presidents and chief judges taking part in adjudicating cases not assigned to them and not being able to effectively supervise associate judges.<sup>29</sup>

### CASE FILING

Despite official reports showing improvement in the case filing system,<sup>30</sup> some courts reportedly continued to deny individuals access to the court system. Based on the Fourth Plenum Decision,<sup>31</sup> the SPC issued a set of provisions in April 2015 that requires courts to accept all cases meeting certain procedural requirements,<sup>32</sup> instead of first subjecting them to substantive review.<sup>33</sup> Rights advocate Feng Zhenghu, however, observed that some courts in Shanghai municipality continued to conduct substantive review.<sup>34</sup> He documented 187 cases between May 2015 and December 2016 in which seven courts in Shanghai reportedly failed to open a case or issue a decision that explained their refusal to do so<sup>35</sup> in cases seeking judicial review of issues including administrative detention and land expropriation agreements.<sup>36</sup> In addition, when Feng ran for the local people's congress in November 2016 as an independent candidate, police from Shanghai administratively detained five of his campaign assistants,<sup>37</sup> who then tried to file a lawsuit to rescind the administrative decisions after their release.<sup>38</sup> The Yangpu District People's Court in Shanghai reportedly twice rejected their filings without issuing any official documentation explaining the decision.<sup>39</sup> Rights defenders in other localities likewise experienced difficulties in filing their cases.<sup>40</sup>

## TRIAL-CENTERED LITIGATION SYSTEM

Chinese authorities took steps to implement a goal set forth in the October 2014 Fourth Plenum Decision to shift toward a trial-centered litigation system that includes improving the practice of having witnesses and experts testify at trial.<sup>41</sup> The Supreme People's Court (SPC), Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice issued a joint opinion in October 2016 that detailed key components to improving in-court testimony and argument,<sup>42</sup> but the opinion subjects a witness' appearance to the court's determination that the testimony has great significance to the case.<sup>43</sup> One SPC official said that courts, procuratorates, and public security bureaus in some localities developed evidentiary criteria for certain common crimes to standardize investigation and to prevent illegally obtained evidence from entering the trial phase.<sup>44</sup> In June 2017, the SPC selected courts in 17 locations to pilot the implementation of three procedures of the trial-centered litigation system, namely, pretrial conference, exclusion of illegally obtained evidence, and judicial investigation procedure for courts of first instance.<sup>45</sup> [For more information on developments in China's criminal procedure system, see Section II—Criminal Justice—Ongoing Challenges in the Implementation of the Criminal Procedure Law.]

## JUDICIAL TRANSPARENCY

The Chinese judiciary reported progress and addressed challenges in improving judicial transparency. In November 2016, SPC President Zhou Qiang reported improvements, including the publishing of court proceedings online and making case information available to litigation parties through court websites and text messaging.<sup>46</sup> Zhou also acknowledged several challenges, including selective disclosure of case judgments by some courts, the lack of a robust system for third-party evaluation of courts' disclosure efforts, and the need for further delineation of judicial disclosure standards.<sup>47</sup> In October 2016, new SPC provisions went into effect that further specify disclosure standards which require judges to publish case identification information even when case content is being withheld and to state the reason supporting nondisclosure except when doing so may endanger state security.<sup>48</sup> A March 2017 report shows, however, that only five courts published this information on their websites.<sup>49</sup> Amnesty International observed that documents related to death penalty sentences published on the judiciary's centralized database between 2011 and 2016 represented a small fraction of executions in China, concluding that "authorities appear to be engaged in an elaborate policy of systematic evasion . . ." <sup>50</sup> [For more information on the judiciary's publication of death penalty-related documents, see Section II—Criminal Justice.]

*Legal Aid*

The Chinese government promulgated rules in an attempt to improve the legal aid system, which continued to face problems such as a shortage of legal aid workers, the lack of technical knowledge in non-lawyer staff, and insufficient reimbursement for legal-aid related expenses.<sup>51</sup> In February 2017, the Ministries of Justice (MOJ)

## Access to Justice

and Finance jointly issued an opinion directing their provincial-level bureaus to play an active role in administering the legal aid system and to specifically allocate funds toward implementing measures, including supporting the recruitment and training of new lawyers for legal aid work, obtaining legal aid services from law firms through government procurement, and ensuring prompt payment that is commensurate with the legal services rendered.<sup>52</sup> The Supreme People's Procuratorate, SPC, and MOJ issued an opinion in April specifying that legal aid services cover criminal case petitions (*xingshi shensu*),<sup>53</sup> a process that can be used to correct wrongful convictions.<sup>54</sup> A U.S.-based expert noted that access to legal aid by migrant workers had improved in the years since a 2006 State Council regulatory change; many of these workers, however, continued to have difficulty obtaining aid because of variance in local rules.<sup>55</sup>

### *Citizen Petitioning*

The petitioning system (*xinfang*), also known as the “letters and visits system,” has been a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.<sup>56</sup> The petitioning system reportedly has been ineffective in addressing citizens' grievances due to factors such as the large number of petitions,<sup>57</sup> the limited authority of local *xinfang* offices,<sup>58</sup> shortcomings in the accountability system,<sup>59</sup> and corruption.<sup>60</sup> In October 2016, the State Council General Office and the Party Central Committee General Office issued measures directing government and Party agencies to conduct a performance review at least once a year and providing sanctions for conduct such as ineffective handling of negative public opinion or mistreatment of petitioners that results in serious consequences.<sup>61</sup>

The Commission continued to observe reports of violence against petitioners. In November 2016, the public security bureau in Yuechi county, Guang'an municipality, Sichuan province, issued a notice stating that it started an investigation and detained nine individuals suspected of being responsible for the death of petitioner Yang Tianzhi, whom individuals acting under a reported agreement with Yuechi officials forcibly returned to Sichuan to prevent him from petitioning in Beijing municipality.<sup>62</sup> Although the Commission observed additional reports of violence against petitioners this past year, the reports did not include information about officials being held accountable.<sup>63</sup>

During this reporting year, petitioners continued to face reprisals. Authorities detained petitioners, alleging criminal or administrative offenses including “disrupting order in a public place,”<sup>64</sup> “picking quarrels and provoking trouble,”<sup>65</sup> and “obstructing official business.”<sup>66</sup> In addition, in the period leading up to and during the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2017, authorities reportedly rounded up petitioners, including Hong Kong residents, in Beijing municipality and other locations.<sup>67</sup>

Authorities reportedly targeted groups and individuals that supported petitioners. Between November and December 2016, authorities in Hubei and Sichuan provinces reportedly detained Liu Feiyue<sup>68</sup> and Huang Qi,<sup>69</sup> and arrested them on charges related to

“endangering state security.”<sup>70</sup> Liu and Huang each operated websites that monitor a range of human rights issues, including those that involve petitioners.<sup>71</sup> A volunteer who worked for Huang’s website suggested that Huang’s detention was related to his investigative reports on Yang Tianzhi’s death.<sup>72</sup> In March 2017, the Fengtai District People’s Court in Beijing tried Chang Hongyan,<sup>73</sup> who organized protests every weekend against the violent treatment of petitioners, on the charge of “obstructing official business.”<sup>74</sup>

#### *Harassment of Human Rights Lawyers and Advocates*

As the UN Special Rapporteur on extreme poverty and human rights observed, “the crackdown on human rights lawyers . . . made it very difficult for lawyers to be other than governmental facilitators.”<sup>75</sup> This past year, the Chinese government continued to detain and, in some cases, prosecute rights lawyers and advocates targeted during a coordinated, nationwide crackdown that began in and around July 2015 (July 2015 crackdown).<sup>76</sup>

- On April 28, 2017, the Tianjin No. 2 Intermediate People’s Court sentenced rights lawyer **Li Heping**<sup>77</sup> to three years in prison, suspended for four years, with four years’ deprivation of political rights for “subversion of state power.”<sup>78</sup>
- On May 8, 2017, the Changsha Intermediate People’s Court in Hunan province tried rights lawyer **Xie Yang**,<sup>79</sup> who pleaded guilty to “inciting subversion of state power” and “disrupting court order,” and retracted his prior claim of having been tortured.<sup>80</sup> The court released Xie on bail without issuing a judgment.<sup>81</sup> In a statement released by Xie’s lawyer in January, Xie denied any wrongdoing and said a plea of guilt would be a result of torture or an exchange for release.<sup>82</sup> Shortly after Xie’s release on May 10, authorities reportedly took him away to an unknown location for “recovery.”<sup>83</sup> Xie returned home in August, but authorities reportedly had installed multiple surveillance cameras and a fingerprint-operated metal gate outside of his home, which Xie asked to be removed.<sup>84</sup>
- In February 2017, Tianjin authorities indicted rights lawyer **Wang Quanzhang**<sup>85</sup> on “subversion of state power.”<sup>86</sup> In July 2017, Wang’s wife said that she had not received any news about her husband, and authorities reportedly prevented him from meeting with legal counsel retained by the family.<sup>87</sup>
- Disbarred rights lawyer **Jiang Tianyong**<sup>88</sup> reportedly disappeared in November 2016 after meeting the wife and lawyers of Xie Yang in Changsha.<sup>89</sup> On December 23, Jiang’s family received notice that Changsha authorities had placed Jiang under “residential surveillance at a designated location” on December 1 on suspicion of “inciting subversion of state power.”<sup>90</sup> On May 31, 2017, Changsha police arrested Jiang on the same charge, and held him at the Changsha No. 1 PSB Detention Center.<sup>91</sup>
- Tianjin authorities released rights lawyers **Li Chunfu**<sup>92</sup> and **Xie Yanyi**<sup>93</sup> on bail in January 2017 after having detained them for nearly a year and a half for “subversion of state power” and “inciting subversion of state power.”<sup>94</sup>

## Access to Justice

- On August 14, 2017, the Tianjin No. 2 Intermediate Court tried rights advocate **Wu Gan**<sup>95</sup> in a closed hearing for “subversion of state power.”<sup>96</sup> Procuratorial and judicial authorities reportedly had remanded Wu’s case for supplemental investigation a total of four times<sup>97</sup> over the course of his lengthy pretrial detention that began in May 2015.<sup>98</sup>

Authorities reportedly used arbitrary means to prevent lawyers from obtaining licenses to practice law. For example, the Fengrui Law Firm, which previously cultivated and attracted human rights lawyers,<sup>99</sup> ceased operations when authorities reportedly targeted it following the July 2015 crackdown.<sup>100</sup> In March 2017, a partner of the firm said that associates were unable to participate in the annual licensing examination.<sup>101</sup> The partner added that authorities confiscated and had not returned the firm’s accounting records and that the Beijing municipality justice bureau suspended the licensing examination partly on the ground that the firm had not conducted an annual audit.<sup>102</sup>

Moreover, authorities reportedly harassed family members of those connected to the July 2015 crackdown by imposing home confinement,<sup>103</sup> enforcing surveillance,<sup>104</sup> interfering with their domestic and international travel,<sup>105</sup> pressuring landlords to evict them from their residence,<sup>106</sup> or ordering school officials to deny admission to their children.<sup>107</sup>

### Regulations on Licensing of Lawyers and Law Firms

Amendments to two sets of regulations governing the licensing of lawyers and law firms took effect this past year,<sup>108</sup> highlighting the government and Party’s policy to further control and restrict the legal profession in ways that may violate the UN Basic Principles on the Role of Lawyers.<sup>109</sup> The amendments to the Measures on Managing Lawyers’ Practice of Law and Measures on Managing Law Firms added language mandating lawyers to support the Party’s leadership and prohibiting them from taking certain actions such as denying the government’s “cult” designations, provoking dissatisfaction with the Party or the government, signing joint petitions or issuing open letters to undermine the judicial system, and organizing sit-in protests and other forms of demonstration outside judicial or other government agencies.<sup>110</sup> The Measures on Managing Law Firms requires firms to establish internal Party groups that will participate in their policymaking and management.<sup>111</sup> The amendments prompted opposition from some in the legal community, including a petition signed by 168 lawyers who claimed that the regulations violated China’s Constitution, domestic laws, and international standards.<sup>112</sup> The Commission did not, however, observe any reports of public opposition to the amendments from the All China Lawyers Association, the quasi-governmental agency that purportedly protects the “rights and interests” of Chinese lawyers.

### Notes to Section III—Access to Justice

<sup>1</sup> See, e.g., “Hearing Held on First Case in Guangzhou Involving Employment Discrimination Against HIV-Infected Person, Plaintiff Asks for Renewal of Contract” [Guangzhou shouli aizi ganranzhe jiuye qishi an kaiting yuangao yaoqiu xu qian hetong], Knews, 21 December 16; Li Yutong, “Female Employees Win or Settle Over 80 Percent of Labor Disputes Involving Maternity Allowance” [She shengyu jintie laodong zhengyi an nu yuangong shengsu ji tiaojie chao bacheng], Beijing News, 7 March 17; Center for Legal Assistance to Pollution Victims, China University of Political Science and Law, “Hearing on Review of ‘First Child Lead Poisoning Litigation’” [“Ertong xieqian di yi an” zaishen tingzheng], 23 December 16; Wang Le, “Hearing Forthcoming on Case in Which 5 Tianjin Fishermen Sued ConocoPhillips for Oil Leak: Defended Rights for 3 Years, Asked To Restore Ecosystem to Pre-Pollution Conditions” [Tianjin 5 yumin su kangfei louyou an jiang kaiting: weiquan 3 nian, rang huifu wuran qian shengtai], The Paper, 8 December 16; “Farmer in His Sixties Who Taught Himself the Law Won Litigation Against SOE” [Liuxun nongmin zixue falu guansi daying yangqi], Radio Free Asia, 3 February 17.

<sup>2</sup> “Xi Jinping: Adhere to Combining the Principles of Law-Based and Virtue-Based Governance” [Xi jingping: jianchi yifa zhiguo he yide zhiguo xiang jiehe], Xinhua, 10 December 16; Xu Jun et al., “Comprehensive Rule-Based Governance To Protect Fairness and Justice” [Quanmian yifa zhiguo baozhang gongping zhengyi], People’s Daily, 4 March 17.

<sup>3</sup> “Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 12 March 17, 16–17; “Supreme People’s Procuratorate Work Report” [Zuigao renmin jianchayuan gongzuo baogao], 12 March 17, 6.

<sup>4</sup> See, e.g., Rights Defense Network, “Jiang Tianyong’s Father Sued Legal Daily and Procuratorial Daily for Reputation Infringement, Court Denied Opening Case in Violation of the Law” [Jiang tianyong zhi fu qisu fazhi ribao jiancha ribao qinfan mingyu quan, fayuan weifa jujue li’an dengji], 22 December 16; “Elderly Changsha Vietnam War Veteran Died in Home Demolition Clash, Court Refused To Accept Case and Authorities Seized Body” [Changsha yuezhan laobing chaqian chongtu zhong shenwang fayuan ju li’an dangju qiang shiti], Radio Free Asia, 4 October 16; Rights Defense Network, “Xinna: Rights Defense Path of Hulunbuir Herder Dahubayila” [Xinna: hulunbei’er mumun dahubayila de weiquan zhi lu], 15 January 17.

<sup>5</sup> Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14; “Xi Stresses Boosting Public Confidence in Judicial System,” Xinhua, 25 March 15; Luo Shuzhen, “Have Strength To Reform and Innovate, Continue To Improve Judicial Credibility, Allow the People in Each Judicial Case To Have the Feeling of Fair Justice” [Yongyu gaige chuangxin buduan tigao sifa gongxinli rang renmin qunzhong zai mei yi ge sifa anjian zhong dou ganshou dao gongping zhengyi], China Court Net, 8 May 15; State Council Information Office, “Progress in China’s Human Rights in 2014,” reprinted in Xinhua, 8 June 15. For more information on the Fourth Plenum Decision, see CECC, 2015 Annual Report, 8 October 15, 267–69.

<sup>6</sup> See, e.g., Luo Shuzhen, “Zhou Qiang: Thoroughly Study the Implementation of the Spirit of the Sixth Plenary Session of the 18th Central Committee, Always Uphold the Principles of Strict Party Management and Strict Court Management” [Zhou qiang: shenru xuexi guanche dang de shiba jie liu zhong quanwei jingshen shizhong jianchi congan zhidang congan zhiyuan], People’s Court Daily, 8 December 16; Qi Wenxin, “Zhou Qiang: Adhere to the Principle of Strict Party Management, Substantively Strengthen People’s Courts’ Party-Building Work” [Zhou qiang: jianchi congan zhidang qieshi jiaqiang renmin fayuan dangjian gongzuo], Supreme People’s Court Net, 9 January 17; Ning Jie, “Zhou Qiang: Resolutely Advancing People’s Courts’ Judicial Reform” [Zhou qiang: jianying buyi tuijin renmin fayuan sifa gaige], Supreme People’s Court Net, 23 February 17; Zhou Bin, “Zhou Qiang Emphasizes Comprehensively Strengthening Party-Building Within Courts at National Conference on Party-Building Within Courts” [Zhou qiang zai quanguo fayuan dang de jianshe gongzuo huiyi shang qiangdiao quanmian jiaqiang renmin fayuan dang de jianshe], Legal Daily, 24 May 17.

<sup>7</sup> Luo Shuzhen, “Conference of High People’s Courts Presidents From Across the Nation Held in Beijing” [Quanguo gaoji fayuan yuanzhang huiyi zai jing zhaokai], Supreme People’s Court, 14 January 17. Commission staff notes that similar language appeared in Zhou Qiang’s speeches previously. See, e.g., “Zhou Qiang: Provide Robust Legal Protection To Facilitate and Advance ‘The Four Comprehensives’” [Zhou qiang wei xietiao tuijin “si ge quanmian” tigong youli sifa baozhang], Supreme People’s Court, 25 February 15; “Zhou Qiang: Promote Awareness of Catching Up, Dare To Reform and Renovate, Resolutely Implement Work” [Zhou qiang: zengqiang kanqi yishi yongyu gaige chuangxin henzhua gongzuo luoshi], Supreme People’s Court, 8 January 16; “Zhou Qiang: Solve Difficult Problems With Unwavering Confidence and Firmly Advance Judicial Reform” [Zhou qiang: jianying xinxin pojie nanti zhashi tuijin sifa gaige], Supreme People’s Court, 8 July 16.

<sup>8</sup> See, e.g., Li Qiang, “Confidently Adhere to the Path, Dare To Draw the Sword Against Erroneous Thought” [Jianchi daolu zixin, ganyu xiang cuowu sichao liang jian], People’s Court Daily, 16 January 17; Fan Mingzhi, “Why China’s National Conditions Do Not Allow for Copying of Western Judicial Independence” [Zhongguo guoqing weihe bu yunxu zhaoban xifang sifa duli], People’s Court Daily, 16 January 17; Lu Zhen, “Promoting Erroneous Thought Endangers the Nation’s Political Security” [Guchui cuowu sichao weiji guojia zhengzhi anquan], People’s Court Daily, 18 January 17.

<sup>9</sup> See, e.g., “‘Drawing a Sword Against Judicial Independence’ Sparked Debate Among Netizens” [“Dui sifa duli liang jian” yinfa wangmin chunguang shejian], Deutsche Welle, 16 January 17; Mai Yanting, “Chief Justice Zhou Qiang Publicly Rejects Judicial Independence, Commentary Says It Shows Regression and Violates United Nations’ Resolution” [Dafaguan zhou qiang gongkai fandui sifa duli pinglun cheng daoxing nishi jian wei lianheguo jueyi], Radio France Internationale, 16 January 17; “Chinese Intelligentsia Jointly Signed Letter Asking Su-

preme Court's Zhou Qiang To 'Go Away' [Zhongguo zhishijie lianshu yaoqiu zuigaoyuan zhou qiang "zou ren"], Voice of America, 19 January 17; Jerome A. Cohen, "China's Chief Justice's Extraordinary Statement: The Most Enormous Ideological Setback for a Professional Judiciary," Jerry's Blog, 17 January 17. According to New York University School of Law professor Jerome Cohen, Zhou Qiang's speech "is much more threatening to the judicial cadres than the usual recitation about the importance of following the Party line . . . This statement is the most enormous ideological setback for decades of halting, uneven progress toward the creation of a professional, impartial judiciary."

<sup>10</sup>Zhou Shifeng Sentenced in First Instance Trial, Guilty of Subversion of State Power, Sentenced to Seven Years [Zhou shifeng an yishen dangting xuanpan dianfu guojia zhengquan zuiming chengli panchu youqi tuxing qi nian], Xinhua, 4 August 16. On August 4, the Tianjin No. 2 Intermediate People's Court tried and sentenced Zhou Shifeng to seven years' imprisonment. For more information on Zhou, see the Commission's Political Prisoner Database record 2015-00272. Other individuals connected to the case whom authorities also sentenced in August 2016 are Hu Shigen, Gou Hongguo, and Zhai Yanmin. For more information, see the Commission's Political Prisoner Database records 2004-02053 on Hu Shigen, 2015-00331 on Gou Hongguo, and 2016-00115 on Zhai Yanmin.

<sup>11</sup>Supreme People's Court Work Report [Zuigao renmin fayuan gongzuo baogao], 12 March 17, 2, 16, 24.

<sup>12</sup>Amnesty International, "China: Assault on Human Rights Lawyers and Activists Escalates With Convictions After Sham Trials," 4 August 16; Human Rights Watch, "China: Drop Cases Against Rights Lawyers," 17 June 16; Sarah Cook, Freedom House, "China's Latest Crackdown Is Not Its Worst," 12 September 16; "Rights Activists Denounce Achievements Touted by Top China Judge," Voice of America, 14 March 17.

<sup>13</sup>Supreme Court President Zhou Qiang: Sentencing Rights Lawyer Is One of Court's Important Achievements in Past Year [Zuigao fayuan yuanzhang zhou qiang: dui weiquan lushi panxing shi qunian fayuan zhongda chengjiu zhiyi], Radio Free Asia, 12 March 17.

<sup>14</sup>See, e.g., Rights Defense Network, "Wuxi Rights Defender Cheng Sheng Criminally Detained by Binhu PSB of Wuxi Municipality for Petitioning in Beijing" [Wuxi weiquan rensheng cheng sheng beijing shangfang zao wuxi shi binhu gong'an fenju xingshi juli], 5 February 17; Taiwan Association for Human Rights, "Free Li Ming-Che: The Joint Statement From NGOs," 30 March 17; Human Rights in China, "Human Rights in China: Chronicle of Major Events of Rights Defense in China (March 13–March 26, 2017)" [Zhongguo renquan: zhongguo weiquan dashi ji (2017 nian 3 yue 13 ri 3 yue 26 ri)], 28 March 17; China Change, "Liu Shaoming, a 1989 Veteran and a Labor Activist, Remains Imprisoned Without Sentence," 31 May 17; "Lawyer Says Administration Interferes With Judiciary in Zhao Zhenjia's Case, Not Optimistic" [Lushi zhi zhao zhenjia an she xingzheng ganyu sifa burong leguan], Radio Free Asia, 11 August 17.

<sup>15</sup>Guo Shihui, "Donning Glory and Dream, Judicial Reform Sets Sail Again" [Daishang guangrong yu mengxiang, si gai zai qihang], China Court Net, 29 December 16; Shan Yuxiao, "One Month Since SPC Newly Added Circuit Tribunals, Third Circuit Already Began To Hear Case in Which Citizen Sues Official" [Zuigaofa xin zeng xunhui fating manyue san xun yi kaishen min gao guan an], Caixin, 27 January 17.

<sup>16</sup>Cao Yajing, "Taking Fast but Steady Strides, Making Preparations for Advancement" [Ti ji bu wen dili qianxing], China Court Net, 27 October 16; Xu Li and Luo Zhijian, "Building Unwavering Confidence in Socialist Judicial System With Chinese Characteristics" [Jianding zhongguo tese shehui zhuyi sifa de zhidu zixin], Study Times, 12 April 17.

<sup>17</sup>Central Commission for Discipline Inspection, "Central Second Inspection Group Gives Feedback to Supreme People's Court on Itemized Inspection" [Zhongyang di er xunshi zu xiang zuigao renmin fayuan dangzu fankui zhuanxiang xunshi qingkuang], 21 February 17. The article reports that the inspection group conducted individual conversations, received petitions from the public, and reviewed relevant documents. The article, however, did not provide further details on what the group inspected or the method it used to conduct the inspection.

<sup>18</sup>Chinese Communist Party Central Committee, Regulations on Chinese Communist Party Inspection Work [Zhongguo gongchandang xunshi gongzuo tiaoli], effective 3 August 15, arts. 14, 15. Courts were not within the inspection group's jurisdiction prior to the August 2015 amendment. Chinese Communist Party Central Committee, Regulations on Chinese Communist Party Inspection Work (Trial) [Zhongguo gongchandang xunshi gongzuo tiaoli (shixing)], issued 13 July 09, art. 10.

<sup>19</sup>Supreme People's Court Chinese Communist Party Group, "Bulletin From the Supreme People's Court Party Group Concerning Status of Inspection and Rectification" [Zhonggong zuigao renmin fayuan dangzu guanyu xunshi zhenggai qingkuang de tongbao], Central Commission for Discipline Inspection and Ministry of Supervision, 27 April 17.

<sup>20</sup>Li Wanxiang, "Full Jurisdictional Coverage Achieved" [Shixian guanxia fanwei quan fugai], Economic Daily, 30 December 16; Supreme People's Court, "Primary Reform Measures Used by Circuit Tribunals" [Guanyu xunhui fating caiqu de zhuyao gaige cuoshi], 28 January 15; Yu Ziru, "SPC Fourth Circuit Tribunal Opens Today, Chief Judge Jing Hanchao: Will Cultivate This 'Experimental Field' Well" [Zuigaofa di si xunhui fating jinri guapai tingzhang jing hanchao: zhong hao zhe kuai "shiyian tian"], Xinhua, 28 December 16; Qiu Yanjun, "SPC's Fifth Circuit Tribunal Hosts Party-Themed Activity" [Zuigaofa di wu xunhui fating kaizhan zhuti dangri huodong], Supreme People's Court Net, 3 January 17.

<sup>21</sup>Supreme People's Court, Opinion on Implementing Judicial Accountability (Trial) [Zuigao renmin fayuan sifa zerenzhi shishi yijian (shixing)], issued 31 July 17, effective 1 August 17, reprinted in *EmpireLawyers* (fakediguo), WeChat post, 13 August 17, art. 60(5).

<sup>22</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jueding], 28 October 14, items 3.1, 3.2; Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the Peo-



ple's Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 15.2, 17, 25. The Chinese Communist Party Central Committee set forth the judicial accountability reform policy in the Fourth Plenum Decision in October 2014, and the Supreme People's Court issued a document detailing the reform measures in September 2015.

<sup>23</sup>Na Diya, "Meng Jianzhu: The Key to Judicial Accountability Reform Is To Truly Carry Out Central Committee Policy" [Meng jianzhu: sifa zerenzhi gaige shouxian yao buzhe bukou zhixing hao zhongyang zhengce], Southern Metropolitan Daily, 13 January 17.

<sup>24</sup>"Meng Jianzhu: Ensure Immediate Effectiveness of Policies and Measures on Judicial Reform" [Meng jianzhu: quebao sifa gaige zhengce cuoshi luodi jianxiao], Supreme People's Court Net, 30 March 17.

<sup>25</sup>"British Media: Unprecedented Personnel Reshuffling Before CCP 19th Party Congress" [Ying mei: zhonggong shijiu da qian kongqian renshi da xipai], Duowei News, 9 January 17.

<sup>26</sup>Supreme People's Court, Opinion on Implementing Judicial Accountability System and Improving Adjudication Supervision Administrative Mechanism (Trial) [Zuigao renmin fayuan guanyu luoshi sifa zerenzhi wanshan shenpan jiandu guanli jizhi de yijian (shixing)], issued 12 April 17, effective 1 May 17, items 1, 2. The SPC issued this opinion to elaborate on certain aspects of the reform laid out in an earlier SPC opinion issued in 2015. Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the People's Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], issued 21 September 15. See also "Q&A on Hot Topics of Judicial Reform" [Sifa gaige redian wenda], People's Court Daily, reprinted in China Court Net, 10 April 17; Supreme People's Court, Opinion on Implementing Judicial Accountability (Trial) [Zuigao renmin fayuan sifa zerenzhi shishi yijian (shixing)], issued 31 July 17, effective 1 August 17, reprinted in EmpireLawyers (fakediguo), WeChat post, 13 August 17, art. 12; Susan Finder, "Supreme People's Court Ramps Up Its Judicial Responsibility System," Supreme People's Court Monitor (blog), 13 August 17. Susan Finder noted that the official text of the trial implementing opinion had not been issued as of August 13, 2017, but that several WeChat accounts had posted the document.

<sup>27</sup>See, e.g., You Chunliang and Wang Dongxing, "Shenzhen Intermediate Court Comprehensively Implements Judicial Accountability System" [Shenzhen zhongyuan quanmian luoshi sifa zerenzhi], Legal Daily, reprinted in Xinhua, 1 October 16; Li Yakun et al., "Shenzhen Intermediate Court Takes the Lead in Implementing Reform on Judicial Accountability System" [Shenzhen zhongyuan shuaixian luoshi sifa zerenzhi gaige], Southern Metropolitan Daily, 19 September 16; "Shenzhen Court Comprehensively Implements Judicial Accountability System, How To Pursue Accountability in Case Adjudication Problems?" [Shenzhen fayuan quanmian luoshi sifa zerenzhi pan'an wenti ruhe zhuize?], Bendibao, 19 September 16.

<sup>28</sup>See, e.g., Yan Jiyong and Gao Qun, "At Judicial Accountability System Reform Leading Small Group Conference Held at Provincial Court, Bai Quanmin Places Emphasis on Working Hard To Implement and Push Reform Development Continuously and Extensively" [Bai quanmin zai sheng fayuan sifa zerenzhi gaige lingdao xiaozu huiyi shang qiangdiao puxia shen zhu luoshi, buduan tuidong gaige xiang zongshen fazhan], reprinted in Shandong Provincial High People's Court, 27 April 17; Peng Qi, "District-Wide Judicial Reform Report Conference Convened" [Quan qu sifa tizhi gaige huibao hui zhao kai], Tibet Daily, 3 June 17; Zong He, "Meeting of Provincial Party Committee Standing Committee Emphasizes Seriously Learning and Implementing Important Instructional Directive Issued by General Secretary Xi Jinping To Ensure Various Judicial Reforms in Our Province Are Immediately Effective" [Shengwei changweihui huiyi qiangdiao renzhen xuexi guan che xi jingping zongshuji zhongyao pishi jingshen quebao wosheng sifa tizhi gaige gexiang renwu luodi jianxiao], Anhui Daily, 21 July 17.

<sup>29</sup>Hu Shihao, "Ensure Immediate Effectiveness of Judicial Accountability System Reform" [Quebao sifa zerenzhi gaige luodi jianxiao], People's Court Daily, 18 April 17. Problems that the judicial accountability reform aims to address include court presidents and chief judges taking part in adjudicating cases that they are not assigned to and ineffective supervision of associate judges. Supreme People's Court, Certain Opinions on Improving Judicial Accountability of the People's Courts [Zuigao renmin fayuan guanyu wanshan renmin fayuan sifa zerenzhi de ruogan yijian], issued 21 September 15, arts. 6, 21–24.

<sup>30</sup>"Supreme People's Court Work Report" [Zuigao renmin fayuan gongzuo baogao], 12 March 17. SPC President Zhou Qiang reported that courts below the SPC accepted 18 percent more new cases in 2016 than 2015, and that the national rate of on-site case filing reached 95 percent. Sun Quan and Gou Lianjing, "Three Highlights Emerge in Wuxi Liangxi Court's 'Anti-Domestic Violence' Work" [Wuxi liangxi fayuan "fan jiabao" gongzuo zaixian san liangdian], China News Service, 24 November 16. A court in Wuxi municipality, Jiangsu province, reported that it had established a system to expedite case filing in domestic violence cases.

<sup>31</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4.2.

<sup>32</sup>Supreme People's Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu dengji li'an ruogan wenti de guiding], issued 13 April 15, effective 1 May 15, arts. 2, 4–6; Supreme People's Court, Opinion on People's Courts' Implementation of the Case-Filing Registration System Reform [Guanyu renmin fayuan tuixing li'an dengji zhi gaige de yijian], issued 15 April 15, effective 1 May 15, items 2.1–2.5; Supreme People's Court, Judicial Reform of Chinese Courts [Zhongguo fayuan de sifa gaige], February 2016, 30.

<sup>33</sup>Ren Rong et al., Beiguan District Court, Anyang Municipality, Henan Province, "How To Develop the Functions and Operations of Case-Filing Courts" [Guanyu li'an ting de zhineng jiqi zhineng fahui], Minsheng Legal Weekly, 20 December 15; Fan Chunsheng, "Findings of a Court That Pioneered the Case-Filing Review System: Litigation Is No Longer Difficult" [Yi jia li'an dengji zhi gaige xianxing fayuan de tansuo: da guansi buzai nan], Xinhua, 26 January 16.

<sup>34</sup>“I Want To File a Case—Shanghai Judiciary’s Failings Case Compilation (Volume 5)” [Wo yao li’an—shanghai bu zuowei anli huibian (di 5 ji)], ed. Feng Zhenghu, Feng Zhenghu Blog, January 2017.

<sup>35</sup>Supreme People’s Court, Provisions on Certain Issues Related to Case-Filing Registration [Zuigaoyuan guanyu dengji li’an ruogan wenti de guiding], issued 13 April 15, effective 1 May 15, art. 9. The SPC opinion requires courts to issue an order or decision explaining the basis of the court’s refusal to open a case.

<sup>36</sup>“I Want To File a Case—Shanghai Judiciary’s Failings Case Compilation (Volume 5)” [Wo yao li’an—shanghai bu zuowei anli huibian (di 5 ji)], ed. Feng Zhenghu, Feng Zhenghu Blog, January 2017.

<sup>37</sup>“Beijing Independent Candidate Complained at People’s Congress but No One Helped Him, Five People Assisting Campaign in Shanghai Administratively Detained for ‘Sabotaging Elections’” [Beijing duli houxuanren renda tousu wuren jiedai shanghai 5 ren zhuxuan bei yi “pohuai xuanju zui” xingju], Radio Free Asia, 15 November 16; “Shanghai Rights Defender Feng Zhenghu Runs for People’s Congress, Citizens Assisting Campaign Taken Away by Police” [Shanghai weiquan renshi feng zhenghu canxuan renda daibiao zhuxuan minzhong zao jingfang daizou], Radio Free Asia, 14 November 16.

<sup>38</sup>“5 Campaign Assistants of Feng Zhenghu Brought Litigation Over Their Administrative Detention, Court Did Not Accept Case” [Feng zhenghu 5 ming zhuxuan bei xingju tiqi susong bu huo fayuan shouli], Radio Free Asia, 18 April 17.

<sup>39</sup>Ibid.

<sup>40</sup>See, e.g., Rights Defense Network, “In an Effort To Stop Beijing PSB’s Illegal Reprimand, Rights Defender Wu Jufang From Nanjing, Jiangsu, Contests and Appeals Beijing Xicheng Court’s Decision Refusing To Open Case” [Ezhi beijing gong’an weifa xunjie, jiangsu nanjing weiquan renshi wu jufang bufu beijing xicheng fayuan buyu li’an caiding tiqi shangsu], 21 March 17; Rights Defense Network, “Case Not Opened Over One Year After Complaining of Illegality in Land Matter, Ye Yanqing of Yiwu Won in Remand Petition” [Jubao tudi weifa yimian duo wei li’an, yiwu ye yanqing shenqing zaishen huosheng], 19 February 17; Rights Defense Network, “Feidong County Court Opened Administrative Litigation Case Filed by Huang Kejin, Contesting Administrative Detention Punishment Imposed by Feidong Police for Walking Near Tiananmen Square” [Huang kejin bufu feidong jingfang dui qi zai tian’anmen guangchang fujin xingzou xingwei de zhi’an juliu chufa zhi xingzheng susong huo feidong xian fayuan li’an], 28 December 16; “709 Crackdown: Lawyer Jiang Tianyong Formally Arrested After Expiration of ‘Residential Surveillance at a Designated Location’” [709 da zhuabu: jiang tianyong lushi “jianshi juzhu” qiman zao zhengshi daibu], Radio Free Asia, 1 June 17.

<sup>41</sup>Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4.3.

<sup>42</sup>Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Opinion on Promoting Trial-Centered Criminal Procedure System Reform [Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige yijian], 10 October 16, items 8, 12, 13. The Party’s Leading Small Group on Comprehensive Reform issued an opinion on this subject matter in June 2016. “Xi Jinping: Concentrate Reform Resources and Activate Innovative Energy To Improve Effectiveness in Carrying Out Reform Work” [Xi jinpings: juji gaige ziyuan jifa chuangxin huoli gengjia fuyou chengxiao zhuhao gaige gongzuo], Xinhua, 27 June 16.

<sup>43</sup>Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Opinion on Promoting Trial-Centered Criminal Procedure System Reform [Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige yijian], 10 October 16, item 12. The implementing opinion issued by the Supreme People’s Court in February 2017 retains similar language. Supreme People’s Court, Opinion on Implementing Comprehensively Promoting Trial-Centered Criminal Procedure Reform [Guanyu quanmian tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige de shishi yijian], issued 17 February 17, art. 14.

<sup>44</sup>Yu Zirui, “Chen Zhiyuan: Continue To Promote Trial-Centered Criminal Procedure System Reform, Work Hard To Raise ‘Three Rates’” [Chen zhiyuan: jixu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige lizheng tigao “san lu”], Xinhua, 12 March 17. See also “Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 12 March 17, 13.

<sup>45</sup>Liu Jingkun, “Supreme People’s Court Prepares To Start the ‘Three Procedures’ Pilot Program” [Zuigao fayuan bushu kaizhan “sanxiang guicheng” shidian gongzuo], People’s Court Daily, 11 June 17.

<sup>46</sup>Zhou Qiang, “Supreme People’s Court Report on the Status of Deepening Judicial Disclosure and Promoting Access to Justice” [Zuigao renmin fayuan guanyu shenhua sifa gongkai, cujin sifa gongzheng qingkuang de baogao], National People’s Congress, 5 November 16. See also Chinese Communist Party Central Committee, Decision on Several Major Issues in Comprehensively Advancing Governance of the Country According to Law [Zhonggong zhongyang guanyu quanmian tuijin yifa zhiguo ruogan zhongda wenti de jue ding], 28 October 14, item 4.4.

<sup>47</sup>Ibid.

<sup>48</sup>Supreme People’s Court, Provisions on Publishing Case Judgments Online by People’s Courts [Guanyu renmin fayuan zai hulianwang gongbu caipan wenshu de guiding], issued 25 July 16, effective 1 October 16, art. 6.

<sup>49</sup>Annual Report on China’s Rule of Law, No. 15 (2017) [Zhongguo fazhi fazhan baogao no. 15 (2017)], eds. Li Lin and Tian He (Beijing: Social Sciences Academic Press (China), 2017), 241–42.

<sup>50</sup>Amnesty International, “China’s Deadly Secrets,” April 2017, 8, 27–28.

<sup>51</sup>Hao Xixi, “Some Thoughts on Improving the Quality of Legal Aid Services” [Dui tigao falu yuanzhu fuwu zhiliang de jidian sikao], China Court Net (Baotou Development District Court), reprinted in China Legal Aid Net, 14 October 16.

<sup>52</sup>Ministry of Justice and Ministry of Finance, Opinion on Lawyers Carrying Out Legal Aid Work [Guanyu lushi kaizhan falu yuanzhu gongzuo de yijian], issued 17 February 17, item 5. See also Wang Qian “Vice Minister of Justice Zhao Dacheng Offers Detailed Explanation for ‘Opinion on Lawyers Carrying Out Legal Aid Work’” [Sifabu fubuzhang zhao dacheng xiangjie “guanyu lushi kaizhan falu yuanzhu gongzuo de yijian”], Xinhua, 9 March 17.

<sup>53</sup>Supreme People’s Court, Supreme People’s Procuratorate, and Ministry of Justice, Opinion on Gradually Implementing Legal Representation System in Criminal Case Petitions [Guanyu zhuhu shixing lushi daili shensu zhidu de yijian], issued 1 April 17, arts. 1, 4, 5.

<sup>54</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 241; Zhou Bin, “SPP Criminal Case Petition Division Director Explains Procuratorate’s Work in Criminal Case Petitions: Firmly Guard Against Wrongful Convictions” [Zuigaojian xingshi shensu ting tingzhang jiedu xingshi shensu jiancha gongzuo: shoulao fangzhi yuanyia cuo’an dixian], Legal Daily, reprinted in Supreme People’s Procuratorate, 22 February 17.

<sup>55</sup>Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” New York University School of Law, U.S.-Asia Law Institute, October 2016, 23.

<sup>56</sup>Regulations on Letters and Visits, issued 5 January 05, effective 1 May 05; Benjamin L. Liebman, “A Populist Threat to China’s Courts?” in *Chinese Justice: Civil Dispute Resolution in Contemporary China*, eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011); Liang Shibin, “Resolutely Fight To Win the Battle on Clearing Backlog of Petitioning Cases” [Jianjue da ying huajie xinfang ji’an gong jian zhan], Legal Daily, 27 April 16. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection.

<sup>57</sup>See, e.g., “Over Ten Thousand Temporary Teachers From 29 Provinces and Municipalities Caused Another National Group Petitioning Movement” [29 shengshi yu wan ming minban jiaoshi zai xian quanguo jiti shangfang chao], Radio Free Asia, 19 October 16; “Two Thousand Petitioners From Shaanxi Went Petitioning at Provincial Letters and Visits Bureau, Ask for Release of Rights Defense Representative” [Shaanxi liangqian min shi sheng xinfang ju shangfang yaoqiu shifang weiquan daibiao], Radio Free Asia, 13 April 17.

<sup>58</sup>See, e.g., Liu Yuguo, “Chengdu Establishes a New Platform for ‘Sunshine Petitioning’” [Chengdu dazao “yangguang xinfang” xin pingtai], People’s Daily, 4 May 16; Liu Guiying, “Problems and Improvements of the Grassroots Petitioning System” [Jiceng xinfang zhidu cunzai de wenti ji wanshan], People’s Tribune, 23 March 16; Xu Dandan, “Discussion of Shortcomings of China’s Petitioning System and Their Solutions” [Qiantan zhongguo xinfang zhidu de biduan ji qi jieju tujing], Feiyang Net, 27 February 16.

<sup>59</sup>State Bureau of Letters and Visits, “State Bureau of Letters and Visits Convenes Press Conference To Explain ‘Implementing Measures on Letters and Visits Accountability System’” [Guojia xinfang ju zhaokai xinwen tongqi hui jiedu “xinfang gongzuo zerenzhi shishi banfa”], 26 October 16.

<sup>60</sup>Guo Hongmin, “Record-Deleting ‘Money-Hoarding Syndicate’ of State Bureau of Letters and Visits” [Guojia xinfang ju de xiaohao “liancai tuan”], Prosecutorial View, 2 May 17.

<sup>61</sup>Chinese Communist Party Central Committee General Office and State Council General Office, Measures on Implementing Calls and Visits Accountability System [Xinfang gongzuo zeren zhi shishi banfa], effective 8 October 16, arts. 9, 11.

<sup>62</sup>Yuechi County Public Security Bureau (Yuechi gong’an), “Report Regarding the Death of Yang Tianzhi” [Guanyu yang tianzhi siwang anjian de qingkuang baogao], Weibo post, 12 November 16. See also Wu Yang, “Report From Yuechi, Sichuan, Regarding ‘Interception and Detention of Male Petitioner in His 70s Resulted in Death’: 9 Individuals Taken Into Custody, County Commission for Discipline Inspection Starts Accountability Mechanism” [Sichuan yuechi tongbao “jie fang jujin zhi 7 xun nanzi siwang”: zhuhao 9 ren xian jiwei qidong wenze], China Youth Daily, 14 November 16.

<sup>63</sup>See, e.g., “Over a Thousand Petitioners From Different Places Gather in Beijing To Protest Violent Interception of Petitioners” [Yu qian gedi fangmin beijing kangyi baoli jie fang], Radio Free Asia, 28 November 16; “Pregnant Petitioner From Heilongjiang Sent Home With Mouth and Body Bound” [Heilongjiang yunfu fangmin zao feng kou kunbang qianfan], Radio Free Asia, 23 January 17; Voice of Petitioners, “Over a Hundred Old Veterans From Sichuan Petitioned at Provincial Civil Affairs Department and Were Violently Driven From Scene” [Sichuan bai yu tuiwu laobing sheng min zheng ting qingyuan bei baoli qingchang], 8 February 17.

<sup>64</sup>See, e.g., “Arrest for Shenyang Petitioner Lin Mingjie Approved, Guangdong Rights Defender Xiao Yuhui Criminally Detained” [Shenyang fangmin lin mingjie bei pi bu guangdong weiquan renshi xiao yuhui zao xingju], Radio Free Asia, 7 October 16; Voice of Petitioners, “Liaoning Dalian Zhou Jinxia Detained for ‘Abnormal’ Petitioning” [Liaoning dalian zhou jinxia yin “feizhengchang” shangfang bei juliu], 15 March 17; Voice of Petitioners, “Wuhan’s Jiang Yanchun Released on Bail After 36 Days’ Arbitrary Detention” [Wuhan jiang yanchun zao renyi jiya 36 tian hou qubao shifang], 4 January 17.

<sup>65</sup>See, e.g., Voice of Petitioners, “Wuhan’s Jiang Yanchun Released on Bail After 36 Days’ Arbitrary Detention” [Wuhan jiang yanchun zao renyi jiya 36 tian hou qubao shifang], 4 January 17; “Hubei Rights Defender Ding Yuanshun Released on Bail” [Hubei weiquan renshi ding yuanshun bei qubao], Radio Free Asia, 16 January 17; Rights Defense Network, “Rights Defender Zhao Zhenjia Arrested, Urgent Need for Human Rights Lawyer To Provide Legal Aid” [Renquan hanweizhe zhao zhenjia bei daibu, ji xu renquan lushi tigong falu yuanzhu], 25 February 17.

<sup>66</sup>Rights Defense Network, “Shanghai Rights Defender Ding Deyuan Criminally Detained for ‘Obstructing Official Business,’ Tortured in PSB Detention Center” [Shanghai renquan hanweizhe ding deyuan zao jingfang yi “fang’ai gongwu zui” xingju kanshou suo zao nuedai], 14 November 16; “Hundreds of Sent-Down Youth Clash With Police While Defending Rights in

## Access to Justice

Shanghai, One Person Criminally Detained” [Shanghai shubai zhiqing weiquan yu jingfang chongtu yi ren bei xingju], Radio Free Asia, 16 September 16.

<sup>67</sup> See, e.g., Voice of Petitioners, “Two Sessions Nearing, Many Petitioners Detained or Lost Contact” [Lianghui linjin duoming fangmin zao zhuabu shilian], 2 March 17; “Social Stability During ‘Two Sessions’: Petitioners in Beijing Continue To Be Intercepted by Local Authorities, Internet Space Narrows” [“Lianghui” weiwen: zai jing fangmin chixu zao difang dangju lanjie wangluo kongjian shouzhai], Radio Free Asia, 2 March 17; “Government on Guard as Two Sessions in China Convene, Many Petitioners Detained” [Zhongguo lianghui zhaokai dangju yanzhen yidai duoming fangmin bei juliu], Radio Free Asia, 5 March 17; “As Two Sessions Nears, Petitioners From Hong Kong Said To Be Taken Away or Subjected to Soft Detention” [Quanguo lianghui linjin gangren fangmin chuan zao daizou huo ruanjin], Oriental Daily, 27 February 17.

<sup>68</sup> For more information on Liu Feiyue, see the Commission’s Political Prisoner Database record 2016-00460.

<sup>69</sup> For more information on Huang Qi, see the Commission’s Political Prisoner Database record 2004-04053.

<sup>70</sup> Rights Defense Network, “Bulletin on Civil Rights & Livelihood Watch Director Liu Feiyue’s Case: Family Members Receive ‘Arrest Notice’ From Suizhou Municipality, Hubei, PSB” [Minsheng guancha fuzeren liu feiyue an tongbao: jiashu shoudao hubei suizhou shi gong’anju fa de “daibu tongzhishu”], 11 January 17; Rights Defense Network, “Mainland NGO ‘64 Tianwang’ Director Huang Qi Arrested by Authorities” [Dalu NGO “liusi tianwang” fuzeren huang qi yi bei dangju zhixing daibu], 20 December 16; “Sichuan State Security Summon Tianwang Volunteers in Close Succession To Collect Evidence, Huang Qi Suspected of Serious Criminal Offenses” [Sichuan guobao miji chuanhuan tianwang yigong souzheng zhi huang qi she yanzhong xingshi zuixing], Radio Free Asia, 5 December 16.

<sup>71</sup> Civil Rights & Livelihood Watch, “Introduction to CRLW” [Minsheng jianjie], last visited on 28 March 17; “‘64 Tianwang’ Founder Huang Qi Detained, Home Raided by Police” [“Liusi tianwang” chuangbanren huang qi zao jingfang chaojia jiyi], Radio Free Asia, 29 November 16.

<sup>72</sup> “Sichuan State Security Summon Tianwang Volunteers in Close Succession To Collect Evidence, Huang Qi Suspected of Serious Criminal Offenses” [Sichuan guobao miji chuanhuan tianwang yigong souzheng zhi huang qi she yanzhong xingshi zuixing], Radio Free Asia, 5 December 16.

<sup>73</sup> For more information on Chang Hongyan, see the Commission’s Political Prisoner Database record 2017-00109.

<sup>74</sup> “Hearing Held on Heilongjiang Petitioner Chang Hongyan’s Case, Petitioners Detained for Showing Support Outside Court” [Heilongjiang fangmin chang hongyan an kaiting fangmin fayuan wai shengyuan bei zao zhuabu], Radio Free Asia, 2 March 17. See also Rights Defense Network, “Chang Hongyan, Host of ‘Petitioners Saturday,’ Taken Into Custody in Lu Village, Beijing, Arrest Approved on Suspicion of Obstructing Official Business” [“Fangmin xingqi liu” zhuchiren chang hongyan zai beijing lu cun bei yi shexian fanghai gongwu zui pibu zhuazou], 21 January 17; “Petitioner Chang Hongyan Arrested in Beijing, Zhao Zhenjia Detained for Organizing Signed Petition To Oppose Interception of Petitioners” [Fangmin chang hongyan zai jing zao daibu zhao zhenjia zuzhi fan jiefang qianming bei zhua], Radio Free Asia, 20 January 17; Rights Defense Network, “Fengtai District Procuratorate in Beijing Indicts Heilongjiang Rights Defender Chang Hongyan for ‘Obstructing Official Business,’ Because of Observing Interception of Petitioners” [Heilongjiang weiquan renshi chang hongyan yin weiguan jiefang mianlin bei beijing fengtai qu jianchayuan yi “fanghai gongwu zui” qisu], 27 December 16.

<sup>75</sup> UN Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights on His Mission to China, Philip Alston, A/HRC/35/26/Add.2, 28 March 17, para. 72.

<sup>76</sup> See, e.g., Josh Chin and Te-Ping Chen, “China Targets Human-Rights Lawyers in Crackdown,” Wall Street Journal, 12 July 15; Human Rights Watch, “China: Secretly Detained Lawyers at Risk of Torture,” 20 July 15; Huang Qingchang and Zou Wei, “Revealing the Dark Secrets of ‘Rights Defense’ Incidents” [Jiekai “weiquan” shijian de heimù], Xinhua, 11 July 15.

<sup>77</sup> For more information on Li Heping, see the Commission’s Political Prisoner Database record 2015-00284.

<sup>78</sup> Human Rights Campaign in China, “July 9 Crackdown: Lawyer Li Heping Secretly Tried by Tianjin No. 2 Intermediate Court on April 25, Sentenced on April 28 To Serve Three Years, Suspended for Four” [709 da zhuabu li heping lushi yu 4 yue 25 ri zao tianjin er zhong yuan mimi shenpan 4 yue 28 ri xuanpan huoxing san nian huanqi si nian zhixing], 28 April 17.

<sup>79</sup> For more information on Xie Yang, see the Commission’s Political Prisoner Database record 2015-00295.

<sup>80</sup> Josh Chin, “China Court Says Lawyer Retracts Torture Charge; Wife Calls Trial a Farce,” Wall Street Journal, 8 May 17.

<sup>81</sup> *Ibid.*

<sup>82</sup> “709 Crackdown: Letter Written by Xie Yang Revealed, Says He Has Not ‘Pleaded Guilty’; Li Wenzu Received Death Threat” [709 da zhuabu: xie yang qinbi xin baoguang fou “renzui” li wenzu zao siwang weixie], Radio Free Asia, 8 March 17.

<sup>83</sup> Ye Xuan, “Xie Yang Released on Bail but Is Forced To ‘Recover,’ Wife and Daughters’ Escape Experience Revealed” [Xie yang qubao huoshi you bei “liaoyang” qi nu taowang lixian bei pilu], Deutsche Welle, 11 May 17; Chen Guiqiu, “I Hope That Xie Yang Will Be Truly Free” [Chen guiqiu: xiwang xie yang huode zhenzheng de ziyou], Amnesty International, 10 May 17.

<sup>84</sup> “Hunan 709 Lawyer Xie Yang Returns Home, Asks That Surveillance Installations Be Dismantled” [Hunan 709 lushi xie yang chongfan jiazhong yaoqiu chaichu jiankong sheshi], Radio Free Asia, 9 August 17.

<sup>85</sup> For more information on Wang Quanzhang, see the Commission’s Political Prisoner Database record 2015-00278.

<sup>86</sup>Rights Defense Network, “July 9 Case Bulletin: Lawyer Wang Quanzhang Indicted for Subversion of State Power” [709 an tongbao: wang quanzhang lushi bei yi dianfu guojia zhengquan zui qisu], 15 February 17.

<sup>87</sup>Li Wenzu et al., “Sincerely Invite CCTV To Interview Family of Lawyer Wang Quanzhang in 709 Crackdown” [Li wenzu deng: chengzhi yaoqing CCTV caifang 709 da zhuabu wang quanzhang lushi de jiating], reprinted in Independent Chinese PEN Center, 5 July 17; “Lawyer’s Application for Meeting Denied, Wang Quanzhang ‘Disappeared’ Again” [Lushi shenqing huijian bei ju wang quanzhang zaido “shizong”], Radio Free Asia, 31 July 17.

<sup>88</sup>For more information on Jiang Tianyong, see the Commission’s Political Prisoner Database record 2011-00179.

<sup>89</sup>Rights Defense Network, “Record of Developments in Forcible Disappearance Incident of Rights Lawyer Jiang Tianyong (Through December 4, 2016)” [Renquan lushi jiang tianyong zao qiangpo shizong shijian jinzhuan jilu (jiezhi 2016 nian 12 yue 4 ri)], 4 December 16.

<sup>90</sup>“Jiang Tianyong Detained Over a Month, Family Just Received Residential Surveillance Notice” [Jiang tianyong bei zhua yu yue jiashu cai jie jian ju tongzhi], Radio Free Asia, 23 December 16.

<sup>91</sup>Rights Defense Network, “Jiang Tianyong’s Arrest Approved on Suspicion of ‘Subversion of State Power,’ His Father Today Formally Received Arrest Notice” [Jiang tianyong bei she “dianfu guojia zhengquan zui” pibu qi fu jinri zhengshi shoudao daibu tongzhishu], 5 June 17.

<sup>92</sup>For more information on Li Chunfu, see the Commission’s Political Prisoner Database record 2015-00311.

<sup>93</sup>For more information on Xie Yanyi, see the Commission’s Political Prisoner Database record 2015-00308.

<sup>94</sup>Human Rights in China, “Detained in ‘709’ [Crackdown], Lawyer Li Chunfu Released on Bail, Physical and Mental Conditions Abnormal” [“709” bei bu lushi li chunfu qubao houshen, shenxin zhuangkuang yichang], 13 January 17; “709 Incident Lawyer Li Chunfu Driven Insane After 1 and a Half Years of Torture” [709 shijian lushi li chunfu zao 1 nian ban kuxing bifeng], Radio Free Asia, 14 January 17; “Human Rights Lawyer Xie Yanyi Still Not Free After Release on Bail” [Renquan lushi xie yanyi qubao houshen hou reng bu ziyou], Voice of America, 6 January 17.

<sup>95</sup>For more information on Wu Gan, see the Commission’s Political Prisoner Database record 2010-00348.

<sup>96</sup>“Authorities Acted As If Facing Enemy During Wu Gan’s Closed Trial, About 20 Citizens Detained Outside Courthouse” [Wu gan an bimen shenli dangju rulin dadi yue 20 gongmin fayuan wai bei zhua], Radio Free Asia, 14 August 17. See also Human Rights Campaign in China, “Butcher Wu Gan Case: Tianjin Municipal People’s Procuratorate Second Branch Indicts Him on Suspicion of Subversion of State Power for Behavior Including Online Essays, Raising Banners in Front of Court, Posting Videos on the Internet, Holding Signs, Collecting Donations for the Jiansanjiang Case, Submitting a Complaint Letter, and Posting Big-Character Posters” [Tufu wu gan an tianjin shi renmin jianchayuan di er fen yuan yi tufu wangshang wenzhang, fayuan menkou la hengfu, luxiang shangchuan dao hulanwang, ju pai, jiansanjiang an mujuan, dijiao konggao xin, zhangtie dazibao deng xingwei qisu qi dianfu guojia zhengquan zui], 4 January 17.

<sup>97</sup>“709 Wu Gan’s Case Returned for Investigation Again, Jiang Tianyong Continues To Be Denied Counsel Meeting” [709 an wu gan zai tui zhen jiang tianyong reng jinjian lushi], Radio Free Asia, 21 July 17.

<sup>98</sup>Rights Defense Network, “Urgent Attention: Human Rights Defender Butcher (Wu Gan) Detained at Jiangxi High Court Gates” [Jinji guanzhu: weiquan renshi tufu (wu gan) zai jiangxi gaoyuan menkou beizhua], 19 May 15.

<sup>99</sup>Sida Liu and Terence C. Halliday, *Criminal Defense in China: The Politics of Lawyers at Work* (Cambridge: Cambridge University Press, 2016), 113.

<sup>100</sup>“Zhou Shifeng: Chinese Law Firm Founder Jailed for Subversion,” BBC, 4 August 16.

<sup>101</sup>“Liu Xiaoyuan Criticizes Government for Engaging in Cultural Revolution Style Persecution by Association in 709 Case” [Liu xiaoyuan piping 709 an dangju gao wenge shi zhulian], Radio Free Asia, 22 March 17.

<sup>102</sup>Ibid.

<sup>103</sup>“Wang Yu’s Lawyer Yu Wensheng Went to Inner Mongolia To Visit Her With No Result” [Wang yu dai li lushi yu wensheng fu neimeng tanwang wu guo], Radio Free Asia, 10 October 16.

<sup>104</sup>“Family Members in 709 Case Harassed, Beijing Seems To Conclude Case in Haste” [709 an jiashu zao saorao beijing si jiyu jie’an], Voice of America, 3 May 17; Human Rights Campaign in China, “709 Crackdown: Surveillance on 709 Family Escalates, Li Heping’s Wife Wang Qiaoling Worried She Might Be Forcibly Disappeared and Leaves Last Words in Case of Unforeseen Circumstances” [709 da zhuabu shijian 709 jiashu jiankong shengji li heping qizi wang qiaoling danxin bei shizong tiqian luxia yiyang buce], 7 April 17; “Li Wenzu’s Efforts To Rent Home Thwarted, Yuan Shanshan’s Family Harassed” [Li wenzu zufang shouzu yuan shanshan jiaren bei saorao], Radio Free Asia, 29 August 16.

<sup>105</sup>“Over a Hundred Lawyers in China Issued Joint Letter Calling for Release of Human Rights Lawyer and His Family” [Zhongguo bai ming lushi lianshu cu shifang renquan lushi ji jiaren], Voice of America, 4 May 17; Gerry Shih, “AP Exclusive: China Lawyer’s Family Says US Helped Them Flee,” Associated Press, 9 May 17.

<sup>106</sup>“709 Lawyer Xie Yanyi’s Wife Faces Pressure and Eviction” [709 lushi xie yanyi qizi zao shiya poqian], Radio Free Asia, 19 October 16; “Li Wenzu’s Efforts To Rent Home Thwarted, Yuan Shanshan’s Family Harassed” [Li wenzu zufang shouzu yuan shanshan jiaren bei saorao], Radio Free Asia, 29 August 16.

<sup>107</sup>Civil Rights & Livelihood Watch, “Lawyer Chen Jian’gang Faces Difficult Situation Again, His Child Denied Admission to School” [Haizi shangxue bei ju chen jian’gang lushi you yu buke miaoshu de zhuangkuang], 16 May 17; “709 Case: Li Wenzu’s Son Prevented From Attending

## Access to Justice

School by State Security, Lawyer Zhang Kai Harassed by Police” [709 an: li wenzu erzi bei guobao zunao wufa shangxue zhang kai lushi zao jingcha saorao], China Free Press, 1 September 16.

<sup>108</sup>Ministry of Justice, Measures on Managing Lawyers’ Practice of Law [Lushi zhiye guanli banfa], issued 28 May 08, amended 18 September 16, effective 1 November 16; Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 28 May 08, amended 30 November 12, 6 September 16, effective 1 November 16.

<sup>109</sup>Basic Principles on the Role of Lawyers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, preamble, arts. 20, 23. The Basic Principles on the Role of Lawyers emphasizes the right of having access to an independent legal profession and grants lawyers freedom of expression and association, as well as civil and penal immunity for good faith statements made in the course of carrying out their duties.

<sup>110</sup>Ministry of Justice, Measures on Managing Lawyers’ Practice of Law [Lushi zhiye guanli banfa], issued 28 May 08, amended 18 September 16, effective 1 November 16, arts. 2, 37–40; Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 28 May 08, amended 30 November 12, 6 September 16, effective 1 November 16, arts. 3, 50. For prior versions of the measures, see Ministry of Justice, Measures on Managing Lawyers’ Practice of Law [Lushi zhiye guanli banfa], issued 28 May 08, effective 18 July 08; Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 28 May 08, effective 18 July 08.

<sup>111</sup>Ministry of Justice, Measures on Managing Law Firms [Lushi shiwusuo guanli banfa], issued 18 July 08, amended 30 November 12, 6 September 16, effective 1 November 16, art. 4.

<sup>112</sup>“Proposal To Duly Repeal Measures on Managing Law Firms Recently Issued by Ministry of Justice” [Yifa chexiao sifabu xin ban lushi shiwu suo guanli banfa de jianyi shu], 30 September 16, reprinted in Constitution and Human Rights Net, 9 October 16. Other legal professionals and NGOs likewise voiced opposition to the amendments. See, e.g., “Three Human Rights Lawyers Call for Repealing Unconstitutional Measures on Managing Law Firms” [San renquan lushi huyu chexiao weixian de lusuo guanli banfa], Radio Free Asia, 27 September 16; “Chinese Ministry of Justice’s Measures on Managing Law Firms Caused Discontent, Lawyer Wang Quanping Alleges Minister Wu Aiyang Responsible for Violating Law and Dereliction of Duty” [Zhongguo sifabu lusuo guanli banfa yin buman lushi wang quanping konggao buzhang wu aiyang weifa shizhi], Radio Free Asia, 27 October 16; “China Issues Another Amendment, New Rules on Measures on Managing Lawyers’ Practice of Law, Lawyers Issue Statement of ‘Four Refusals’” [Zhongguo zai xiuding lushi zhiye guanli xin gui lushi fabiao “si bu” shengming], Radio Free Asia, 21 October 16; Yu Pinjian, “Angrily Denouncing Ten Violations of Measures on Managing Law Firms!” [Nuchi xin “lushi shiwusuo guanli banfa” zhi shi zong zui!], Yu Pinjian’s Blog, 16 October 16; Chinese Human Rights Defenders, “Revised Measures on Law Firms Further Curb Independence of Chinese Lawyers (9/21–10/3, 2016),” 3 October 16; Human Rights Watch, “China: New Rules Gag Lawyers,” 25 October 16; Human Rights Now, “Day of the Endangered Lawyer 2017,” 24 January 17, 1–3.