

## ACCESS TO JUSTICE

*Introduction*

Chinese citizens continue to face substantial obstacles in seeking remedies to government actions that violate their legal rights and constitutionally protected freedoms. International human rights standards require effective remedies for official violations of citizens' rights. Article 8 of the Universal Declaration of Human Rights provides that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."<sup>1</sup> Article 2 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed but not yet ratified, requires that all parties to the ICCPR ensure that persons whose rights or freedoms are violated "have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."<sup>2</sup>

*The Third Plenum and Judicial Reform*

The November 2013 Chinese Communist Party Central Committee Third Plenum Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms (Third Plenum Decision) contained several items relating to judicial system reform.<sup>3</sup> In June 2014, the office of the Party's Central Leading Small Group for Comprehensively Deepening Reform announced that six provinces and municipalities—Shanghai, Guangdong, Jilin, Hubei, Hainan, and Qinghai—would serve as pilot sites for certain judicial reforms, including divesting local governments of their control over local court funding and appointments and centralizing such power at the provincial level, in an effort to limit interference by local governments in the work of the courts.<sup>4</sup> Following the June announcement of judicial reform pilot sites, in July, the Supreme People's Court released its fourth five-year reform plan.<sup>5</sup> According to China law expert Stanley Lubman, a "significant aim of [the plan] is to reduce the influence of local government on local courts."<sup>6</sup>

Local protectionism is a longstanding problem that has, among other things, damaged judicial credibility.<sup>7</sup> In March 2014, Meng Jianzhu, secretary of the Communist Party Central Committee Political and Legal Affairs Commission, addressed another form of interference in court work. Meng is reported to have said in internal meetings that Party officials must not intervene in specific cases, although the Party would still have final control over outcomes in "politically sensitive" cases.<sup>8</sup> The limits of judicial reform were made clear in a June 2014 editorial in the state-run *Global Times*, which stated that the goal of improving "judicial justice" in the new reforms does not mean that China is moving toward "judicial independence" (*sifa duli*) or "separation of powers" (*sanquan fenli*).<sup>9</sup>

During this reporting year, the Supreme People's Court (SPC) took steps to increase judicial transparency and accountability in line with the Third Plenum Decision.<sup>10</sup> The SPC issued measures requiring all courts in China to publish their effective written judgments (with some exceptions, such as cases involving state secrets and individual privacy) on the publicly accessible Web site Judicial

Opinions of China, effective January 1, 2014.<sup>11</sup> As of March 2014, more than 3,800 SPC judgments and over 1.6 million judgments from lower level courts had been published on the Web site.<sup>12</sup> One of the eight main areas of focus in the Supreme People’s Court new five-year plan is strengthening judicial openness.<sup>13</sup> Specific reform measures include improving the systems of open trials and trial information databases, and continuing to strengthen the establishment of the Judicial Opinions of China Web site.<sup>14</sup>

Improving legal aid and judicial assistance (*sifa jiuzhu*)—court funds that are used to mitigate costs and other burdens facing parties with economic difficulties<sup>15</sup>—was another reform noted in the Third Plenum Decision.<sup>16</sup> During 2013, the SPC and the Ministry of Justice promulgated an opinion on enhancing legal aid for plaintiffs seeking state compensation “to guarantee that the impoverished people exercise their rights claiming for compensation according to law.”<sup>17</sup> Moreover, courts throughout China “mitigated 190 million RMB” (US\$31 million) “legal costs for the parties involved in real difficulty.”<sup>18</sup> The Supreme People’s Procuratorate (SPP) also indicated it would promote improvements to the national judicial assistance system in 2014.<sup>19</sup> These and other reform efforts addressed in the work reports of the SPC and the SPP may have played a role in bolstering National People’s Congress (NPC) delegates’ confidence in the two bodies during the annual NPC meeting in March 2014; the approval ratings for both the SPP and SPC work reports were the highest in seven years.<sup>20</sup>

*Citizen Petitioning and Proposed Revisions to the Administrative Litigation Law*

CITIZEN PETITIONING

During the 2014 reporting year, the Party and central government issued a number of documents instituting reforms to the petitioning (*xinfang*) system—one of the areas of reform outlined in the Third Plenum Decision.<sup>21</sup> *Xinfang*, also referred to as the “letters and visits system,” is a popular mechanism outside of the formal legal system for citizens to present their grievances to authorities, either in writing or in person.<sup>22</sup> Over 70 percent of petitions raise issues relating to expropriation of rural land, forced evictions and home demolitions, labor and social security, and law- and litigation-related problems.<sup>23</sup> The fundamental goal of the *xinfang* reforms is “social stability”—preventing and solving social conflicts at the local level.<sup>24</sup> Petitioners bring unresolved grievances to central government offices in Beijing, or resort to disruptive actions to garner attention for their cause—actions that the central government wants stopped.<sup>25</sup>

The Chinese government has acknowledged that the petitioning system is flawed.<sup>26</sup> In April 2014, the state-run Global Times declared the petitioning system “on the verge of collapse.”<sup>27</sup> According to the official statistics, the total number of petitions (letters and visits) received at government and Party *xinfang* offices at county and higher administrative levels during the first 10 months of 2013 was 6,040,000, a decrease of 2.1 percent compared with the same time period in 2012.<sup>28</sup> Only a very small percentage of petitions are actually resolved—less than 1 percent, according to a

2004 study conducted by the Chinese Academy of Social Sciences, and there is nothing to suggest that the resolution rate has improved significantly since then.<sup>29</sup>

Collectively, the various measures and guidelines on petitioning issued during the 2014 reporting year, not unlike previous efforts to reform the petitioning system,<sup>30</sup> seek to accomplish the following aims, among others:<sup>31</sup>

- Handle and resolve complaints in a timely manner at the local level or one level higher; petitioners are not permitted to skip levels and higher level agencies are prohibited from accepting “skipped-level” petitions;<sup>32</sup>
- Prevent petitioners from traveling to Beijing and “from bypassing local authorities to file petitions in Beijing”;<sup>33</sup>
- Increase online and written petitions, and decrease in-person visits;<sup>34</sup>
- Handle all law- and litigation-related petitions (*shefa shesu*) in courts or through other political-legal entities and resolve them through legal channels (*fazhi guidao*); government and Party petition offices are prohibited from accepting such petitions;<sup>35</sup>
- Reverse the widespread tendency among petitioners “to believe in petitioning, not law” (*xin fang, bu xin fa*).<sup>36</sup>

In addition, the government and Party have again stated that officials are prohibited from blocking or restricting “normal” petitioning by any means and they must not unlawfully detain petitioners.<sup>37</sup> In February 2013, the central government reportedly ceased ranking localities based on the number of repeat “abnormal” (*feizhengchang*) petitioners who bring their grievances to Beijing.<sup>38</sup> The previous ranking system reportedly helped to spawn the “black jail” industry, which the Commission has written about in previous annual reports.<sup>39</sup> [See Section II—Criminal Justice for more information regarding “black jails.”]

#### ADMINISTRATIVE LITIGATION LAW

Adopted in 1989, the PRC Administrative Litigation Law (ALL)<sup>40</sup> enables citizens to file lawsuits challenging certain government actions; it is popularly referred to as the “people suing officials” law (“*min gao guan*”).<sup>41</sup> Implementation of the ALL has been problematic, however, and in large part explains the petitioners’ creed: “believe in petitioning, not law” (*xin fang, bu xin fa*).<sup>42</sup> Dismay with, and distrust of, the legal system has itself spawned vast numbers of petitions; individuals who are dissatisfied with judicial decisions or court inaction often turn to petitioning.<sup>43</sup> Various estimates over the past 10 years put the range of law- and litigation-related petitions between 40 percent and 70 percent of all petitions.<sup>44</sup>

In late December 2013, the first-ever draft amendment to the ALL was submitted to the National People’s Congress Standing Committee for review.<sup>45</sup> The substantial draft contained 23 new provisions and amended 36 existing provisions.<sup>46</sup> The proposed revisions address the main problems with the ALL—widely referred to as “the three difficulties” (*san nan*): difficulties filing ALL cases, trying ALL cases, and enforcing ALL judgments.<sup>47</sup> It is because of

“the three difficulties” that many ALL cases end up in petitioning channels.<sup>48</sup> Proposed amendments to the ALL include increasing the range of official conduct that can be challenged (including, for example, infringement of private rights relating to ownership or use of land and other natural resources, and failure to provide appropriate social benefits), clarifying that plaintiffs may file cases orally, strengthening the procedures for accepting cases, and increasing penalties on courts that fail to file cases (*li'an*).<sup>49</sup> The ultimate aim of the revision, which has been in the works since 2009, is to encourage people to “believe in law” rather than petitioning.<sup>50</sup>

Whether the ALL amendments will lead more petitioners to file lawsuits rather than use the petitioning system remains to be seen. As noted above, local protectionism is a serious problem, which several of the judicial reform initiatives are attempting to address.<sup>51</sup> Moreover, with both the petitioning reforms and the proposed ALL amendments aiming to funnel more cases into a weak and already overburdened judicial system<sup>52</sup>—one of the reasons why petitioning is still deemed to be necessary—the ALL and petitioning reforms are not likely to lead to enhanced credibility for the judicial system or a change in the widely held belief among petitioners that petitioning is better than filing a lawsuit.<sup>53</sup>

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

During the 2014 reporting year, authorities intensified the degree of harassment and abuse of both human rights lawyers and defenders, particularly in the run-up to the 25th anniversary of the violent suppression of the 1989 Tiananmen protests, which the non-governmental organization Chinese Human Rights Defenders (CHRD) described as the “harshest June 4 anniversary yet”<sup>54</sup> and China analyst Willy Lam described as “markedly more draconian”<sup>55</sup> than the 20th anniversary in 2009.<sup>56</sup> Official violence against human rights lawyers and detentions of lawyers increased substantially during this reporting year.<sup>57</sup> Incidents include violence against lawyers advocating for a detained Christian pastor, Zhang Shaojie, in Nanle county, Puyang municipality, Henan province,<sup>58</sup> and the detention and torture of four rights lawyers—Tang Jitian, Jiang Tianyong, Wang Cheng, and Zhang Junjie—in Jiansanjiang, Fujin county, Jiamusi municipality, Heilongjiang province.<sup>59</sup> The four lawyers were in Jiansanjiang to investigate a “legal education center” and to represent several Falun Gong detainees who sought to protest their unlawful detention.<sup>60</sup> [See Section II—Freedom of Religion for more information on the Nanle and Jiansanjiang incidents, and Section II—Criminal Justice for more information on “legal education centers.”] Rights lawyer Gao Zhisheng was released from prison in early August 2014.<sup>61</sup> Shortly thereafter reports emerged that authorities had maltreated him during his more than two and a half years in Shaya Prison in the Xinjiang Uyghur Autonomous Region (XUAR).<sup>62</sup> According to the non-profit organization Freedom Now and Gao’s U.S.-based wife, Geng He, as a result of the abuses and deprivations meted out to Gao by authorities, including solitary confinement, Gao lost 50 pounds, has serious dental problems that have not been treated, and has difficulty speaking coherently.<sup>63</sup> Since Gao’s release, public security officers in Urumqi municipality, XUAR have been closely

monitoring Gao and restricting his activities and movement.<sup>64</sup> In early August, the state-run *Global Times* published an opinion piece on Gao, which, among other things, warned that he must “adjust his conduct” as he reenters society, or else, the commentary implied, he might cross the “red line of the law” and face legal sanctions.<sup>65</sup>

During this reporting year, authorities also criminally detained a number of human rights lawyers for political reasons. Authorities in Beijing municipality detained and then arrested prominent public interest lawyer Pu Zhiqiang on charges of “picking quarrels and provoking trouble” and “illegally obtaining personal information” after he attended a private gathering in early May 2014 to discuss the legacy of the 1989 Tiananmen protests and their violent suppression.<sup>66</sup> In early June, officials in Henan province criminally detained two human rights lawyers, Chang Boyang and Ji Laisong, who were reportedly representing individuals whom authorities had detained earlier for taking part in a February 2014 memorial service related to the 1989 Tiananmen protests.<sup>67</sup> Also in June 2014, authorities in Guangzhou municipality, Guangdong province, arrested three human rights lawyers—Tang Jingling, Wang Qingying, and Yuan Xinting—for “inciting subversion” reportedly in connection with their promotion of nonviolent civil disobedience.<sup>68</sup>

While repression of Chinese human rights lawyers intensified this reporting year, they took new steps to protect their own rights.<sup>69</sup> In September 2013, Tang Jitian, Jiang Tianyong, and Wang Cheng founded the China Human Rights Lawyers Group (CHRLG), which provides legal services and advice to citizens who have been detained for exercising their civil rights.<sup>70</sup> More than 100 lawyers affiliated with CHRLG signed a public statement in December 2013 condemning the violation of lawyers’ professional rights by Nanle county authorities in the case of Pastor Zhang Shaojie.<sup>71</sup> In June 2014, more than 40 rights lawyers signed a pledge to voluntarily assist other lawyers and their families if they are targeted by authorities, in what one lawyer described as a “crisis situation” for rights lawyers.<sup>72</sup> Later that month, proposed revisions to the Lawyers’ Code of Conduct and other rules relating to lawyers and law firms, drafted by the state-run All China Lawyers’ Association (ACLA), were leaked on social media.<sup>73</sup> Provisions prohibiting lawyers from stirring up public opinion and using the Internet “to express radical or improper commentary on cases or public matters, or attack or disparage [China’s] legal system, political system and Party guidelines [and] policies” were viewed by some as an apparent attempt to silence human rights lawyers.<sup>74</sup> In response, over 100 lawyers signed a joint letter strongly condemning the proposed revisions, claiming that they violated China’s Constitution, the PRC Lawyers’ Law, and the Universal Declaration of Human Rights.<sup>75</sup>

#### Notes to Section III—Access to Justice

<sup>1</sup> Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 8.

<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 2. China signed the ICCPR in 1998 and the government has repeatedly stated its intent to ratify it. During the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record in October 2013, China stated it is “making preparations for the ratifica-

tion of ICCPR and will continue to carry out legislative and judicial reforms.” UN GAOR, Hum. Rts. Coun. 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 153.

<sup>3</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(32–34).

<sup>4</sup>Ibid., sec. 9(32); Xing Shiwei, “Six Provinces and Municipalities To Serve as Pilot Sites for Judicial Reforms Aimed at ‘Localization’” [Liu sheng shidian sixiang sifa gaige jianzhi “sifa difanghua”], Beijing News, 16 June 14; “Judicial Reform Pilots,” China Law Translate (blog), 16 June 14; Cao Yin, “Xi Promotes Judicial Reform, IP Tribunals,” China Daily, 27 June 14. See also Jerome A. Cohen, “Struggling for Justice: China’s Courts and the Challenge of Reform,” World Politics Review, 14 January 14; Hugo Winckler, “Rule of Law: A Game Plan for the Economy,” China Analysis: How Far Will the NPC Go in Implementing Reform? European Council on Foreign Relations, March 2014, 8–10.

<sup>5</sup>“Core Content of People’s Courts’ ‘Fourth Five-Year Reform Plan’ Released” [Renmin fayuan “si wu gaige gangyao” hexin neirong fabu], Xinhua, 9 July 14; “More Information on the Courts’ 4th 5-Yr Plan,” China Law Translate (blog), 26 July 14; Stanley Lubman, “A Key Move To Protect Courts in China,” Wall Street Journal, China Real Time Report (blog), 30 July 14.

<sup>6</sup>Stanley Lubman, “A Key Move To Protect Courts in China,” Wall Street Journal, China Real Time Report (blog), 30 July 14.

<sup>7</sup>Jeffrey Wasserstrom, “Trials and Errors: A Roundtable on Law, Reform, and Repression in China,” Dissent, 20 February 14; Stanley Lubman, “A Key Move To Protect Courts in China,” Wall Street Journal, China Real Time Report (blog), 30 July 14; Xing Shiwei, “Six Provinces and Municipalities To Serve as Pilot Sites for Judicial Reforms Aimed at ‘Judicial Localization’” [Liu shengshi shidian sixiang sifa gaige jianzhi “sifa difanghua”], Beijing News, 16 June 14; “China’s Chief Justice Warns of Weakness in Court System,” Xinhua, reprinted in China Daily, 3 March 14; “Judicial Reform Pilots,” China Law Translate (blog), 16 June 14; “China Rethinks Its Judicial System,” New York Times, 17 March 14; Li Hui and Megha Rajagopalan, “China Looks for Justice Reform, but Party To Retain Control,” Reuters, 16 June 14; Randall Peerenboom, *China’s Long March Toward Rule of Law*, (Cambridge: Cambridge University Press, 2002), 399.

<sup>8</sup>“With Legal Reforms, China Wants Less Interfering in Cases, Fewer Death Penalty Crimes,” Reuters, reprinted in South China Morning Post, 9 March 14; Shannon Tiezzi, “China’s Legal Reform: A Balancing Act,” Diplomat, 12 March 14; Li Hui and Megha Rajagopalan, “China Looks for Justice Reform, but Party To Retain Control,” Reuters, 16 June 14.

<sup>9</sup>“Global Times: Judicial Reform Will Not Fall Into Liberals’ Semantic Trap” [Huanqiu shibao: sifa gaige bu hui diaoru ziyoupai yujing], Global Times, 17 June 14.

<sup>10</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(33).

<sup>11</sup>Kelly Buchanan, “China: Courts Required To Publish All Effective Opinions on One Website,” Global Legal Monitor, Library of Congress, 31 December 13; Zhou Qiang, “Report on the Work of the Supreme People’s Court” [Zuigao renmin fayuan gongzuo baogao], reprinted in China Court Net, 8 May 14, sec. IV. The official English translation of the Supreme People’s Court Work Report refers to the Web site as the “China Written Judgments Network,” but the English name on the Web site itself is “Judicial Opinions of China.”

<sup>12</sup>Zhou Qiang, “Report on the Work of the Supreme People’s Court” [Zuigao renmin fayuan gongzuo baogao], reprinted in China Court Net, 8 May 14, sec. IV; Judicial Opinions of China Web Site [Zhongguo caipan wenshu wang], last visited 2 July 14.

<sup>13</sup>“Core Content of People’s Courts’ ‘Fourth Five-Year Reform Plan’ Released” [Renmin fayuan “si wu gaige gangyao” hexin neirong fabu], Xinhua, 9 July 14; “More Information on the Courts’ 4th 5-Yr Plan,” China Law Translate (blog), 26 July 14.

<sup>14</sup>Ibid.

<sup>15</sup>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), 293–94, note 131; Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34). The official English translation of the Third Plenum Decision uses “judicial relief” as the translation for sifa jiuzhu. In order to avoid confusion with “judicial remedies,” the Commission has translated the term as “judicial assistance.”

<sup>16</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34).

<sup>17</sup>Zhou Qiang, “Report on the Work of the Supreme People’s Court” [Zuigao renmin fayuan gongzuo baogao], reprinted in China Court Net, 8 May 14, sec. III; “SPC and MOJ Jointly Issue Opinion on State Compensation Legal Aid; In Urgent Circumstances First Provide Legal Aid, Later Handle Procedures” [Zuigaofa sifabu lianhe chutai guojia peichang falu yanzhu yijian jinji qingkuang ke xian falu yanzhu hou bu shouxu], 27 January 14. See also “Top Procurator in Beijing: Each Year Approximately Two Million Crime Victims Unable To Obtain Compensation” [Beijing jianchazhang: zhongguo meinian yue 200 wan xingshi beihai ren huo pei women], Radio Free Asia, 11 March 14.

<sup>18</sup>Zhou Qiang, “Report on the Work of the Supreme People’s Court” [Zuigao renmin fayuan gongzuo baogao], reprinted in China Court Net, 8 May 14, sec. III.

<sup>19</sup>Cao Jianming, “Report on the Work of the Supreme People’s Procuratorate,” [Zuigao renmin jianchayuan gongzuo baogao], Procuratorial Daily, reprinted in Supreme People’s Procuratorate Net, 10 March 14.

<sup>20</sup> Wang Shu, “‘Two Supremes’ Receive ‘Most Attractive Report Cards’ in Seven Years” [Liang gao jiao 7 nian lai “zui jing chengji dan”], Beijing News, 17 March 14; Susan Finder, “The Supreme People’s Court: Reforming the Chinese Courts the Party Way,” Supreme People’s Court Monitor (blog), 8 May 13.

<sup>21</sup> Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 13(49). For information about the reform documents, see “General Offices of CCP Central Committee and State Council Issue Opinion on ‘Handling Law and Litigation-Related Petitions According to Law,’” Xinhua, reprinted in State Bureau for Letters and Calls, 20 March 14; “State [Bureau] of Letters and Calls Measures for Further Standardizing Procedures for Handling Petitioning Matters and Guiding Petitioners To Follow the Proper Progression When Petitioning” [Guojia xinfangju guanyu jinyibu guifan xinfang shixiang shouli banli chengxu yindao laifangren yifa zhujuzoufang de banfa], Xinhua, reprinted in State Bureau of Letters and Calls, 23 April 14. For an English translation of the measures, see China Law Translate (blog), 24 April 14; Qian Haoping, “Data From the State Bureau of Letters and Calls: 71 Percent of Petitions Are Reasonable, 60 Percent Are Repeats” [Guojia xinfangju shuju: 71% shangfang youli 60% que yao chongfang], Southern Weekend, 12 December 13; Susan Finder, “The Supreme People’s Court’s New Petitioning Measures,” Supreme People’s Court Monitor (blog), 2 March 14; “Supreme Court Allows Online Petitions,” Xinhua, reprinted in China Daily, 28 February 14. For a description of the *xinfang* system, see, e.g., CECC, 2013 Annual Report, 10 October 13, 158–59; CECC, 2009 Annual Report, 10 October 09, 238.

<sup>22</sup> 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), 274 (noting that he uses “petitioning, protesting, and the letters and visits system interchangeably”). See also CECC, 2013 Annual Report, 10 October 13, 158–59; CECC, 2009 Annual Report, 10 October 09, 238.

<sup>23</sup> Qian Haoping, “Data From the State Bureau of Letters and Calls: 71 Percent of Petitions Are Reasonable, 60 Percent Are Repeats” [Guojia xinfangju shuju: 71% shangfang youli 60% que yao chongfang], Southern Weekend, 12 December 13. Litigation-related petitions may also include matters such as land disputes and forced evictions. See 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), 282.

<sup>24</sup> Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 13(49). The Third Plenum Decision addressed petitioning in the subsection titled “Innovating systems that can effectively prevent and solve social conflicts.” See also Wu Chao and Liu Erwei, “The Reform and Innovation in Letter-Call Petition System in China” [Zhongguo xinfang zhidu de gaige he chuangxin] in The Blue Book of Social Institution: Report on Social Institutional Reform in China [Shehui tizhi lanpishu: zhongguo shehui tizhi gaige baogao], eds. Gong Weibin and Zhao Qiuying (Beijing: Social Sciences Academic Press, 2014), No. 2, 191; Samantha Hoffman, “China’s New Petitioning Guidelines and Social Governance Policy,” China Policy Institute Blog, 3 March 14; 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), 305–6. One judge who was interviewed stated that “[T]he policy is stability”; thus, courts do whatever is necessary to maintain stability. Courts, like other party-state institutions, are committed to this policy, even if short-term concerns about stability risk undermining the courts’ authority in the long term.”

<sup>25</sup> Hualing Fu, “Mediation and the Rule of Law: The Chinese Landscape,” in Dispute Resolution: Alternatives to Formalization, eds. Joachim Zekoll et al. (Leiden: Brill, 2014), 9–11, reprinted in Social Sciences Research Network, last visited 28 June 14; Stability in China: Lessons From Tiananmen and Implications for the United States, Hearing of the U.S.-China Economic and Security Review Commission, 15 May 14, Written Statement Submitted by Steve Hess, Assistant Professor of Political Science, College of Public and International Affairs, University of Bridgeport, 6; CECC, 2009 Annual Report, 10 October 09, 238–41.

<sup>26</sup> See, e.g., “China Strictly Bans Confinement of Petitioners,” Xinhua, 19 March 14; “General Offices of Central Committee and State Council’s Opinion on Innovative Methods of Working With Masses To Resolve Prominent Petitioning Issues” [Zhonggong zhongyang bangongting guowuyuan bangongting yinfa “guanyu chuangxin qunzhong gongzuo fangfa jieju xinfang tuchu wenti de yijian”], Xinhua, 25 February 14; “Petition Reform Takes Its Last Stand,” Global Times, 24 April 14; “State Bureau of Letters and Calls’ Vice Minister Zhang Enxi: Let the Reasonable and Lawful Demands of the Masses Be Timely Resolved On the Spot” [Guojia xinfangju fu juzhang zhang enxi: rang qunzhong heli hefa suqiu dedao jishi jiudi jieju], Xinhua, reprinted in State Bureau for Letters and Calls, 24 April 14; Jonathan Kaiman, “Chinese Hotel Becomes Focal Point in Standoff Over Country’s Petition System,” Guardian, 14 April 14.

<sup>27</sup> “Petition Reform Takes Its Last Stand,” Global Times, 24 April 14.

<sup>28</sup> “State Council Information Office Holds Press Conference on Situation of Petitioning System Reform” [Guoxinban juxing xinfang gongzuo zhidu gaige qingkuang xinwen fabuhui], State Council Information Office, 28 November 13.

<sup>29</sup> Stability in China: Lessons From Tiananmen and Implications for the United States, Hearing of the U.S.-China Economic and Security Review Commission, 15 May 14, Written Statement Submitted by Steve Hess, Assistant Professor of Political Science, College of Public and International Affairs, University of Bridgeport, 6; CECC, 2012 Annual Report, 10 October 12, 143.

<sup>30</sup> See, e.g., Rahul Jacob and Zhou Ping, “China’s Ancient Petition System Goes Online,” Financial Times, 30 September 11; CECC, 2013 Annual Report, 10 October 13, 159; CECC, 2009 Annual Report, 10 October 09, 238–39; CECC, 2007 Annual Report, 10 October 07, 149–51.

<sup>31</sup>“China Voice: Rule of Law Essential for Faith in Petition System,” Xinhua, 24 April 14.

<sup>32</sup>Zhang Hong, “Beijing Bans Petitioners Seeking Redress From Appealing Directly to Higher Authorities,” South China Morning Post, 24 April 14; State [Bureau] of Letters and Calls, Measures for Further Standardizing Procedures for Handling Petitioning Matters and Guiding Petitioners To Follow the Proper Progression When Petitioning [Guojia xinfangju guanyu jinyibu guifan xinfang shixiang shouli banli chengxu yindao laifangren yifa zhujuzoufang de banfa], Xinhua, reprinted in State Bureau of Letters and Calls, effective 1 May 14, arts. 3, 4. For an unofficial English translation of the Measures, see “Measures for Standardizing Petitioning,” China Law Translate (blog), 24 April 14.

<sup>33</sup>Russell Leigh Moses, “Beijing’s Struggle To Keep People in Their Place,” Wall Street Journal, 25 April 14; Zhang Hong, “Beijing Bans Petitioners Seeking Redress From Appealing Directly to Higher Authorities,” South China Morning Post, 24 April 14; “State Council Information Office Holds Press Conference on Situation of Petitioning System Reform” [Guoxinban juxing xinfang gongzuo zhidu gaige qingkuang xinwen fabuhui], State Council Information Office, 28 November 13.

<sup>34</sup>“State Council Information Office Holds Press Conference on Situation of Petitioning System Reform” [Guoxinban juxing xinfang gongzuo zhidu gaige qingkuang xinwen fabuhui], State Council Information Office, 28 November 13; State [Bureau] of Letters and Calls, Measures for Further Standardizing Procedures for Handling Petitioning Matters and Guiding Petitioners To Follow the Proper Progression When Petitioning [Guojia xinfangju guanyu jinyibu guifan xinfang shixiang shouli banli chengxu yindao laifangren yifa zhujuzoufang de banfa], Xinhua, reprinted in State Bureau of Letters and Calls, effective 1 May 14, arts. 3, 4. For an unofficial English translation of the Measures, see “Measures for Standardizing Petitioning,” China Law Translate (blog), 24 April 14.

<sup>35</sup>“The Political Legal System Wants To End ‘Believing in Petitioning, Not Believing in Law’; Judges Must Be Held Responsible for Flaws in Court Cases That Result in Petitioning” [Zhengfa xitong yu po “xin fang bu xin fa”; shenpan xiaci yin shangfang yao zhui ze], Guangming Daily, reprinted in Legal Daily, 1 April 14; “State Council Information Office Holds Press Conference on Situation of Petitioning System Reform” [Guoxinban juxing xinfang gongzuo zhidu gaige qingkuang xinwen fabuhui], State Council Information Office, 28 November 13.

<sup>36</sup>Zhou Bin and Wang Kaiguang, “Ministry of Justice’s Seven Work Mechanisms To Advance Law and Litigation-Related Petitioning Reform” [Sifabu qi xiang gongzuo jizhi tuijin shefa shesuxinfang gaige], Legal Daily, 11 April 14; “China Voice: Rule of Law Essential for Faith in Petition System,” Xinhua, 24 April 14; CECC, 2012 Annual Report, 10 October 12, 143; Wu Chao and Liu Erwei, “The Reform and Innovation in Letter-Call Petition System in China” [Zhongguo xinfang zhidu de gaige he chuangxin] in The Blue Book of Social Institution: Report on Social Institutional Reform in China [Shehui tizhi lanpishu: zhongguo shehui tizhi gaige baogao], eds. Gong Weibin and Zhao Qiuying (Beijing: Social Sciences Academic Press, 2014), No. 2, 188.

<sup>37</sup>“State Council Information Office Holds Press Conference on Situation of Petitioning System Reform” [Guoxinban juxing xinfang gongzuo zhidu gaige qingkuang xinwen fabuhui], State Council Information Office, 28 November 13; “Data From the State Bureau of Letters and Calls: 71 Percent of Petitions Are Reasonable, 60 Percent Are Repeats” [Guojia xinfangju shuju: 71% shangfang youli 60% que yao chongfang], Southern Weekend, 13 December 13; “China Strictly Bans Confinement of Petitioners,” Xinhua, 19 March 14; “CPC Central Committee Notice: ‘Blocking and Intercepting’ Petitioners Not Allowed” [Zhonggong zhongyang tongzhi: jinzhi “lan ka du jie” shangfang renyuan ], Radio Free Asia, 20 March 14; “Beijing Reiterates Call To End Petitioner Abuses,” China Digital Times, 20 March 14.

<sup>38</sup>Zhang Yang, “With Respect to Petitioning, Plan Is To Promote Submission of Petitions Online and Handling of Them Offline (State Council Information Office Press Conference)” [Xinfang, ni tui wangshang shouli wangxia banli (zai guoxinban fabu huishang)], People’s Daily, 29 November 13.

<sup>39</sup>See, e.g., Wu Chao and Liu Erwei, “The Reform and Innovation in Letter-Call Petition System in China” [Zhongguo xinfang zhidu de gaige he chuangxin] in The Blue Book of Social Institution: Report on Social Institutional Reform in China [Shehui tizhi lanpishu: zhongguo shehui tizhi gaige baogao], eds. Gong Weibin and Zhao Qiuying (Beijing: Social Sciences Academic Press, 2014), No. 2, 188; CECC, 2012 Annual Report, 10 October 12, 144; CECC, 2011 Annual Report, 10 October 11, 187; CECC, 2009 Annual Report, 10 October 09, 95–96, 239.

<sup>40</sup>PRC Administrative Litigation Law [Zhonghua renmin gongheguo xingzheng susong fa], passed 4 April 89, effective 1 October 90.

<sup>41</sup>Shangxi Chenqiao, “Scope of Change in Administration Litigation Law Amendments Exceeds One-Half; Draft Adds 23 Articles and Amends 36 Articles” [Xingzheng susong fa xiugai dong fudu guoban, caoan zeng 23 tiao xiugai 36 tiao], Beijing Times, 24 December 13; “New Version of ‘Guide for People Suing Officials’ Infographic Explaining Administrative Litigation Law Revisions” [Xinban “min gao guan zhinan” tuijie xingzheng susong fa xiugai], Beijing News, 24 December 13; CECC, 2009 Annual Report, 10 October 09, 237.

<sup>42</sup>Ibid.; CECC, 2009 Annual Report, 10 October 09, 237; Susan Finder, “The Supreme People’s Court Encourages the Masses To Leave the Streets and Go Into the Courtroom: Week Ending 27 December,” Supreme People’s Court Monitor (blog), 28 December 13.

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<sup>45</sup>Shangxi Chenqiao, “Scope of Change in Administration Litigation Law Amendments Exceeds One-Half; Draft Adds 23 Articles and Amends 36 Articles” [Xingzheng susong fa xiugai dong fudu guoban, caoan zeng 23 tiao xiugai 36 tiao], Beijing Times, 24 December 13; “China Proposes Legislation To Resolve the Difficulty in Filing Administrative Litigation Cases, Expands Scope of People Suing Officials” [Zhongguo ni lifa jieue xingzheng susong li’an nan, kuoda min gao guan fanwei], People’s Daily, reprinted in Legal Daily, 19 February 14.

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<sup>48</sup>Shangxi Chenqiao, “Scope of Change in Administration Litigation Law Amendments Exceeds One-Half; Draft Adds 23 Articles and Amends 36 Articles” [Xingzheng susong fa xiugai dong fudu guoban, caoan zeng 23 tiao xiugai 36 tiao], Beijing Times, 24 December 13; “China Proposes Legislation To Resolve the Difficulty in Filing Administrative Litigation Cases, Expands Scope of ‘People Suing Officials’” [Zhongguo ni lifa jieue xingzheng susong li’an nan, kuoda min gao guan fanwei], People’s Daily, reprinted in Legal Daily, 19 February 14.

<sup>49</sup>Susan Finder, “The Supreme People’s Court Encourages the Masses To Leave the Streets and Go Into the Courtroom: Week Ending 27 December,” Supreme People’s Court Monitor (blog), 28 December 13; “China Proposes Legislation To Resolve the Difficulty in Filing Administrative Litigation Cases, Expands Scope of People Suing Officials” [Zhongguo ni lifa jieue xingzheng susong li’an nan, kuoda min gao guan fanwei], People’s Daily, reprinted in Legal Daily, 19 February 14; “Amendment to Administrative Procedure [sic] Law Hailed in China,” Xinhua, 24 December 13.

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<sup>53</sup>See, e.g., Zhou Qiang, “Report on the Work of the Supreme People’s Court” [Zuigao renmin fayuan gongzuo baogao], reprinted in China Court Net, 8 May 14, secs. III, VII; 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), 311–13; “CPC Central Committee Notice: ‘Blocking and Intercepting’ Petitioners Not Allowed” [Zhonggong zhongyang tongzhi: jinzhi “lan ka du jie” shangfang renyuan], Radio Free Asia, 20 March 14; Wu Chao and Liu Erwei, “Reform and Innovation in Letter-Call Petition System in China” [Zhongguo xinfang zhidu de gaige he chuangxin] in *The Blue Book of Social Institution: Report on Social Institutional Reform in China* [Shehui tizhi lanpishu: zhongguo shehui tizhi gaige baogao], eds. Gong Weibin and Zhao Qiuying (Beijing: Social Sciences Academic Press, 2014), No. 2, 188.

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<sup>56</sup>Ibid. See also Elizabeth Lynch, “Reform or Regression? The Corruption Inquiry of Zhou Yongkang,” Interview With Professor Eva Pils (Part 3), China Law & Policy (blog), 13 May 14.

<sup>57</sup>Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 11; Elizabeth Lynch, “Reform or Regression? The Corruption Inquiry of Zhou Yongkang,” Interview With Professor Eva Pils (Part 3), China Law & Policy (blog), 13 May 14; Eva Pils, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14; “Chinese Rights Lawyers Sign Aid Pledge Amid Growing Crackdown,” Radio Free Asia, 2 June 14.

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<sup>61</sup>Austin Ramzy, "Family of Dissident Lawyer Fears for His Health After Prison," *New York Times*, Sinosphere (blog), 14 August 14. For more information on Gao Zhisheng, see the Commission's Political Prisoner Database record 2005-00291.

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<sup>65</sup>Shan Renping, "Shan Renping: Why Is the Released 'Rights Lawyer' So Popular in the West?" [Shan renping: xifang weihe repeng huoshi de "weiquan lushi"], *Global Times*, 8 August 14.

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<sup>75</sup>New Citizens' Movement, "Joint Letter Strongly Condemning the All China Lawyers Association's Unlawful 'Revision of the Lawyers' Code of Conduct' and 'ACLA Members Disciplinary Rules (Provisional)'" [Qianglie qianze luxie weifa xiuding "lushi zhiye xingwei guifan" he "luxie huiyuan weigui xingwei chufen guize (shixing)" de lianming xin], 18 June 14.