



A Comprehensive Approach to Ensure the Rights of the Accused

IBJ Trains Thousands of Lawyers in Live Trainings in 2011-12

“Working here reminds me every day how the actions of just a few people can truly make a difference when others take a leap of faith and are willing to join their cause.” Aurora Bewicke, Program Director, China

During the last two years, IBJ has undertaken nine major initiatives, each targeting specific stakeholders in the criminal justice system to enhance protection of the rights of accused individuals in China.

National and Regional Training Initiative

IBJ’s three Defender Resource Centers in Beijing, Wuhan, and Xi’an collabo-

rate with local and national partners to uphold citizens’ legal rights and advance the rule of law in China. In 2011, IBJ held 26 live trainings that educated more than 2,500 criminal justice professionals on new developments. Topics included the exclusion of evidence, sentencing, legal ethics, and the eighth amendment to the Criminal Law. We reached an additional 1,800 professionals

through self-study DVDs that contained interactive lessons produced under our eLearning project and educational materials like our Defender Toolkit.

eLearning and New Lawyer Training

IBJ’s eLearning website platform gives lawyers across China access to cutting-edge skills training. IBJ posted 23 interactive teaching modules

JUSTICE FACTS:

China

Rule of Law (Percentile Rank): 39

2012 Prison Population:

1,640,000

121 per 100,000



Liaocheng Public Security Bureau officers explaining legal rights to a citizen during an IBJ rights awareness campaign on December 4, 2011



Never too young to learn: students participating in IBJ's rights awareness campaign in Jinan

in 2011 and 47 more in 2012. The platform's popularity among justice-sector professionals is evidenced by the total of just under 40,000 module views thus far. Through our New Lawyer Training project, we have also trained more than 2,500 lawyers with little experience through live methods.

Defender Empowerment Series

Our DES project is designed to equip experts in criminal law with the tools necessary to train the next generation of Chinese lawyers. In 2011, our first cohort of experts used interactive experiential learning techniques to teach advocacy skills and substantive legal topics to more than 250 criminal justice professionals. In 2012, the program expanded significantly to educate nearly 2,000 professionals. By December 2012, when IBJ hosted its second annual training-of-trainers, the ranks of our experts had increased to 25. This growing network of trainers will allow IBJ to train another 1,500 to 2,000 professionals in 2013.

Defender Engagement Corps

IBJ's DEC project provides indigent defendants with early access to competent counsel. In 2012, our DEC lawyers in Shandong,

Shaanxi, and Fujian provinces defended 179 cases, securing dismissals, alternatives to incarceration, and mitigated sentences for their clients. In 2013, IBJ will provide counsel to another 500 defendants in five provinces.

Juvenile Justice

IBJ's case assistance aims to help the most vulnerable accused, including juveniles. In 2012, in partnership with a district prosecutor's office in Shaanxi Province, IBJ sponsored social background investigation reports for eight juvenile offenders. Seven received demonstrable benefits, mainly alternatives to incarceration and conditional non-prosecutions. Our DEC lawyers in Shandong Province are also conducting social background investigations. So far, they have achieved similar results in eight completed cases.

Community-Building Roundtables

Our Xi'an, Wuhan, and Beijing offices organized 15 community-building lawyers' salons and roundtables in 2012. These events, which addressed a variety of topics including early access to counsel, provided lawyers with the opportunity to network with a wide range of justice sector professionals.

Rights Awareness

Our rights awareness campaigns target communities throughout China, empowering citizens with the tools necessary to secure access to justice and protect their rights. In 2011, a summer campaign reached youth in Beijing, while an autumn campaign targeted rural workers in Shaanxi Province. Our annual nationwide campaigns in 2011 and 2012 together provided nearly 5,000 individuals with free legal advice and distributed approximately 50,000 rights awareness materials.

Clinical Education

Our Clinical Education project assisted fourteen law schools in developing and running criminal law clinics, instilling a commitment to criminal defense in the next generation of Chinese lawyers. Participating schools received onsite evaluations and mentorship sessions from domestic and international experts in clinical legal educa-

tion. At the end of 2011, faculty from each school gathered to design a three-year sustainable curriculum.

Duty Lawyer Program

This program provided counsel at the pretrial stage to more than 150 adult and juvenile indigent defendants in 2011. Many obtained mitigated sentences and dismissals.

Besides undertaking these initiatives, IBJ has helped facilitate important changes in policy and law that have increased the rights of the accused in China. Among the reforms the government implemented in 2011 were two breakthrough regulations on the exclusion of illegally-obtained evidence and new sentencing guidelines. IBJ provided visible support for these reforms, holding several events that enhanced the capacity of judicial actors to implement the new changes and empowered defense attorneys to strategically defend their clients.



Children reading about laws that protect their rights at a rights awareness event at Huangzhuang School in May 2011

Sichuan Farmer Can Still Go Home to Be a Father

On a cold December afternoon, “Lian Jun” was on a train to Xi’an. Police boarded the train to conduct an inspection and discovered 50 grams of methamphetamine on his person. He was charged with trafficking in illegal narcotics. The penalty ranges from community surveillance and a fine to the death penalty.

Lian was a 26-year-old indigent farmer from a rural village in Sichuan Province. His wife had recently delivered a son, whom Lian must support - not an easy task with his junior-high-school education. His arrest was nothing short of calamitous. Moreover, more than 80% of China’s accused get no help from a lawyer, in part because lawyers in rural areas are scarce. Additionally, many indigent defendants cannot afford a lawyer; free legal aid is even scarcer. Lian did his best to cooperate. He confessed to possessing the methamphetamine and underwent mandatory detoxification. Without a lawyer, however, his chances of getting a fair trial were bleak.

Lian was fortunate. Earlier that year, IBJ negotiated an agreement in which the prosecutor would refer indigent defendants to a local law firm. IBJ-trained attorneys agreed to take these cases without charge. Attorney “Xi” agreed to handle Lian’s case. Using case investigation and advocacy skills taught at IBJ training events, Xi scoured the case file to ensure she understood the facts thoroughly. She realized the evidence was lacking. The crime of trafficking required intent to sell.

No facts in the case showed this intent. She argued to the prosecutor that Lian could only be charged with possession, a much

less serious offense. While Lian had been an addict who needed help, nothing supported the accusation that he was a trafficker. The prosecutor reexamined the case and realized Xi was right. He sent the case back to the police for further investigation. The police resubmitted the case with the lesser charge of narcotics possession.

Xi’s advocacy had already benefited Lian, but she wasn’t done yet. At the sentencing hearing on the possession charge, she cited several mitigating factors about the case and about Lian as a person. Under Chinese law, drug possession for one’s own consumption is categorized as a low-societal-impact crime. Moreover, Lian was a hard worker. He took his responsibilities to his family seriously. As a first-time offender, he deserved a chance to fulfill these responsibilities. These factors, Xi argued, required a reduced sentence. Again, Xi’s no-nonsense, fact-based advocacy earned results. The judge adopted her opinion and sentenced Lian to a mitigated sentence of three years in jail.

Lian says he is very grateful to Xi. Because of her, he got a fair trial. Furthermore, she successfully conveyed that he is a person who has made mistakes, but who has a future. A lesser sentence resulted. Now Lian knows that in a few short years he will be there for his young son. Because of Xi’s advocacy and IBJ’s support, he got a second chance and will soon be able to go home and be a father.



IBJ-trained lawyer Zhu Chang Jiang from Xi’an interviewing a client referred by the prosecutor’s office