



# Live From the Courtroom

Courts are aiming to improve transparency through microblogging **By Wang Hairong**

The Jinan Intermediate People's Court quelled the public thirst for knowledge during the trial of formerly high-ranking official Bo Xilai with a new and innovative form of press release: live microblog updates. Bo, who had been charged with bribery, embezzlement and abusing power, was sentenced to life in prison on September 22.

"The judge has announced the beginning of the trial, and defendant Bo Xilai is to appear in court," read a message posted on the court's micro-blog at 8:46 a.m. on August 22. The same day saw 110 attendants in the courtroom, including 19 reporters and Bo's relatives.

The Jinan Intermediate People's Court opened an account on Sina Weibo, China's Twitter-like microblogging service, on August 18, just in time for live updates of Bo's trial. The micro-blog gave everyone the opportunity to read the details of Bo's defense and other proceedings in real time. The court's micro-blog attracted more than 300,000 followers on the first day of the trial.

Sun Jungong, a spokesman for the Supreme People's Court, China's highest judicial body, said that live updates of the trial via micro-blog provided an effective way of promoting judicial openness and ensuring fairness.

"Courts should not only open up their trial procedures and rulings to the public, but also make public the evidence and reasoning used in the court," Sun noted. He added that cases that garner public interest should be broadcasted live or alternatively recorded and then broadcasted.

More and more courts in China are starting to use microblogs to improve the transparency of proceedings.

On June 28, Zhou Qiang, President of the Supreme People's Court, stressed that all courts ought to consider prioritizing the use of websites and microblogs.

Official statistics show that at the end of 2012, 619 courts across the country were using micro-blog accounts. *The Beijing News* finds that 17 provincial level courts have provided live updates of trials through their microblogs, and that some have done it since as early as 2010, known as the first year of the development of Chinese microblogging service.

## New tool

Recently, hearings of a number of high-profile cases were live microblogged.

On September 16, the Beijing No.1 Intermediate People's Court brought to trial and provided live updates of a case in which Han Lei, a Beijing resident, had slammed a two-year-old girl to the ground during a parking dispute in the city's Daxing District. The girl later died and Han's actions raised widespread public concern over the safety of children in public places.

At 9:35 a.m. on the day of the trial, shortly after the defendant was brought into the courtroom, the court posted its first micro-blog. From that point on until the trial's closure, 11 posts detailing court proceedings were published, totaling approximately 500 words and five pictures.

On September 18, the Nanjing Intermediate People's Court in east China's Jiangsu Province dealt with the case of a drug-addicted mother who left her two



daughters at home by themselves for weeks, a situation that led to their death from starvation. This trial was also opened up to the public through the court's micro-blog posts.

In addition to responding to prevailing social concerns, courts open up the procedures of sensitive cases to dispel public skepticism about the justice system.

In June and July of this year, the Hebei Provincial Higher People's Court tried serial rapist and murderer Wang Shujin. The case was originally tried at the Handan Intermediate People's Court, which sentenced Wang to capital punishment and deprivation of political rights for life in March 2007. Wang appealed the case and earned a retrial by the Hebei Provincial Higher People's Court.

Wang's case was particularly complex because at the time of his arrest in 2005, he confessed to four rapes and murders, including one committed in the western suburb of Shijiazhuang, capital of Hebei, in 1994. But the question is that in the same year, another man named Nie Shubin was convicted and executed for the crime that Wang had confessed to.



**JUSTICE:** Han Lei (right front) stands trial at the Beijing No. 1 Intermediate People's Court on September 25 for killing a baby girl during a parking dispute. The court provided live updates of the proceedings on its microblog

Wang's retrial was held on July 10, during which the Hebei Provincial Higher People's Court presented evidence such as the results of autopsies, crime scene investigation reports and witness testimonies in order to prove that Wang did not commit the rape and murder that Nie was convicted of.

The prosecutor said that details of Wang's confession, including the time and methods of crime and the victim's height did not match the evidence, and thus the prosecutor argued that Wang was not the perpetrator.

The court ruled that Wang was not guilty of the rape and murder in the western suburb of Shijiazhuang 19 years ago, but Wang's death sentence remained on account of his remaining convictions.

Over the course of Wang's trials, the Hebei Higher People's Court posted a total 29 messages on its micro-blog, publicizing all court proceedings.

After the trial, a lawyer in attendance said that broadcasting the trial live via micro-blog significantly boosted the public's trust and confidence in the courts and reversed the opinion

that Nie had been wrongly executed.

Though many cases broadcasted live through microblogs involve well-known or notorious individuals, courts also broadcast comparatively minor cases to educate the public on laws that concern them.

Since March 2011, the Laiyang Intermediate People's Court in Shandong Province has publicized more than 20 cases on its micro-blog to raise the public's legal awareness, including contract disputes and traffic accidents.

### Gradual acceptance

Some judges applaud the live broadcast of trials through microblogs.

Zhang Mingwu, a judge at the Laiyang Intermediate People's Court, said that live broadcasts give the public access to court proceedings, and maximize procedural fairness.

"The publicizing of trials through microblogs prompts me to be more cautious and pay more attention to pre-trial preparations, personal conduct and control over procedures," Zhang said.

However, not everyone is as readily

supportive of live trial coverage. In the 1990s, when certain trials were broadcasted live on TV, some scholars, such as He Weifang, a legal professor at Peking University, voiced opposition.

He said that live broadcasts play a limited role in supervising judges, because only the trial is broadcasted, while the judge's decision making process is not.

Similar concerns have been raised about broadcasting trials with microblogs. In 2011, Gao Yifei, a professor at Southwest University of Political Science and Law in Chongqing, surveyed 46 judges and 72 lawyers on whether live broadcasts of trials would interfere with decision making. The results showed that 41 percent of the judges answered yes, while 31 percent of lawyers said so.

Zheng Xu, an associate professor at the Criminal Justice School of the China University of Political Science and Law in Beijing, warned that live broadcasts of trials may influence witnesses, who may change their testimonies.

There is also concern about those involved in lawsuits or others attending court hearings may release information through microblogs to sway public opinion and influence judges.

The Guangdong Provincial Higher People's Court said that it has found a solution to the problem raised by Zheng. Yun Lizhen, the court's spokesman, explained that during the trial, the court put all witnesses in a secluded room without Internet access.

On December 23, 2012, the Supreme People's Court released a judicial interpretation to the Criminal Procedure Law. The new interpretation prohibits those involved in, or with interest in lawsuits, from disseminating any information about the trial online, strictly reserving this right for journalists authorized by courts.

"We should not shun away from live broadcasts, rather we should strive to minimize their negative effects and embrace their potentially positive role in promoting justice," said Yang Tao, a prosecutor in Ganzhou, central China's Jiangxi Province. ■

wanghairong@bjreview.com