

# **Honorary Doctor of Laws**

## **Mr XIAO Yang**

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Citation written and delivered by Professor Edmond KO

Chairman

Mr Xiao Yang, President and Chief Justice of the Supreme People's Court, PRC, is a native of Heyuan, Guangdong Province. He graduated from the Law Department of Renmin University of China and worked as a law teacher and later as an official in a county public security bureau. During the "Cultural Revolution", he was dispatched to the countryside to do manual labour. Subsequently, he served as a CPC commune secretary, member of a county standing committee, secretary of a district committee and deputy secretary of a prefecture committee, respectively. In 1983, he returned to the legal arena to serve as Deputy Chief Procurator of the Guangdong Provincial People's Procuratorate. In 1986, he became the youngest Chief Procurator in the nation when elected Chief Procurator of the Guangdong Provincial People's Procuratorate. In 1990, he was promoted to Deputy Procurator General of the Supreme People's Procuratorate, PRC. Three years later, he was named Minister of Justice of the PRC at the First Session of the Eighth National People's Congress. In 1998, at the First Session of the Ninth National People's Congress, he was elected by a great majority to the post of President and Chief Justice of the Supreme People's Court, PRC. He won another term of the offices in 2003, at the First Session of the Tenth National People's Congress.

Mr Xiao is well known for his sharp thinking, innovativeness and foresight. During his tenure as Chief Procurator of the Guangdong Provincial People's Procuratorate, he accomplished several "firsts" in the country's legal fields. He was the first to:

- establish the mechanism of publicizing cases under review by the procuratorate;
- invite representatives from the public and democratic personnel to act as specially invited procurator;

- issue special permits to reporters with a view to increasing transparency through the watchful eyes of the media, while not compromising investigation work;
- advocate that the procuratorate should provide legal protection to the country's economic construction as well as to reform and opening. In the drive to inhibit and punish crimes, due regard has to be paid to human rights;
- establish working relations with the Independent Commission Against Corruption in Hong Kong, prior to the political changeover. This communication channel between Guangdong and Hong Kong has greatly facilitated cooperative case investigations in both places;
- establish the first crime reporting centre of its kind in the nation—the Economic Crimes Reporting Centre under the Shenzhen Procuratorate; and to
- establish a bureau to fight bribery and corruption.

While serving as the Minister of Justice, Mr Xiao carried out dramatic reforms to the country's lawyer system. He led the drafting of New China's first *Law on Lawyers*, and formulated the *Scheme for Furthering Reform of Lawyers*. These initiatives have successfully transformed the status of lawyers from legal workers of the state to legal practitioners who serve the needs of society. Since then, the ranks of lawyers in China have expanded rapidly and their quality has greatly improved. Mr Xiao also campaigned for the establishment of a legal aid system which would fill a void in China's social security and legal systems so that the financially underprivileged can also enjoy equality before the law. He masterminded the reform of the prison system and was a champion for modern civilized prisons. In 1995, he led the drafting of New China's first *Law on Prisons* and successfully put the country's prison management on a standardized and lawful basis.

As the President and Chief Justice of the Supreme People's Court, Mr Xiao took great pains to reform the country's court system. It was under his aegis that the *Five-Year Reform Outline for the People's Courts* was formulated in 1999, and again in 2003. He believes that "fairness and efficiency" should be the focus of work in the new century for the people's courts. In order to promote legal transparency, he places much emphasis on implementing the principle of open trial.

To this effect, he promulgated the *Provisions on Implementing the Open Trial System*. To keep pace with China's reform and opening up, as well as the development of the socialist market economy, he led the drafting of the *Maritime Special Procedure Law*. To make substantive equality before the law a reality, Mr Xiao advocated establishing a legal aid system and led the drafting of the *Provisions for the Legal Aid System*. His aim was to enable those who have real financial difficulties to take their cases to court and ensure that those who have good legal cause can obtain the judgment they deserve. To give full play to judicial democracy, he pushes hard for reforming and perfecting the assessor system of the people. He led the drafting of China's first bill on perfecting the assessor system of the people. Mr Miao talks about a "judiciary for the people" and requires courts at all levels to work hard to improve judicial services and to protect people's litigation rights. He is particularly mindful of the judicial protection of human rights. He wants to see crimes punished according to the law and human rights protected, also according to the law. In his words, "the convicted should be sentenced and the innocent should be set free". This will ensure that innocent citizens will not be subject to criminal prosecution. Aiming at improving the general quality of judges, Mr Xiao put forward the objective of "professionalization of judges" and he led the revision of the *Law on Judges*. Further, he initiated measures to raise the appointment requirements of judges and promulgated the *Code of Professional Ethics for Judges*, which lays down the professional norms of judges. At the first Certificate Presentation Ceremony for China's Chief Justice, Mr Xiao categorically pointed out that "impartiality, and impartiality alone, is the everlasting motto of the Chief Justice".

In the past two decades since the adoption of reform and open policies, China has gradually restored her legal and judicial systems and both systems are moving towards maturity. During this period of time, Mr Xiao successively served as Chief Procurator of the Guangdong People's Procuratorate, Deputy Procurator General of the Supreme People's Procuratorate, Minister of Justice, and President and Chief Justice of the Supreme People's Court. Through these offices, he has made historic contributions to the country's procuratorate system, lawyer system, prison system, and court and judge systems, making sure that all of them meet the needs of the new era. In recognition of his exceptional achievements, I have the pleasure of presenting Mr Xiao Yang to you, Mr Chairman, for the award of the honorary degree of Doctor of Laws, *honoris causa*.