**Resolution of the Second National Judicial Conference**

Date: 1953-5-8

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After listening to the reports of Director Dong Biwu, Minister Shi Liang and Vice President Zhang Zhirang on judicial work, the Second National Judicial Conference seriously discussed the past work experience and future work at the group meeting and the conference.

In the first and three years, people's courts and people's tribunals at all levels across the country have handled more than 6 million cases under difficult conditions such as very imperfect institutions and insufficient cadres, and cooperated with various movements such as land reform, suppression of counter-revolution, and the "three antis" and "five antis" in judicial work, and maintained the order of the people's democratic dictatorship and the people's democratic rights. In the above-mentioned movements, especially the recent judicial reform movement, the work of rectifying and purifying the people's courts at all levels ideologically, politically, and organizationally has been carried out, and the work of the people's courts at all levels has been effectively dealt with the remnants of the old law views and the old judicial style. These works have achieved great results. At the same time, there are also many serious mistakes and shortcomings in our judicial work. Not only is the organizational structure and work system still very imperfect, but there is also serious bureaucracy and rough style in leadership at all levels; And because they have been busy coordinating with one big movement after another in the past, the cases they receive have always been late in their subjective affordability; Especially before the judicial reform, there were still extremely serious impurities in the organization and style of the courts, and some courts were once controlled by bad elements, so there were always a large number of cases, and misjudgements were also found, which was quite common and quite serious. Past experience, especially in major movements and in judicial reform movements, has proved that people's judicial work is a work of a strong ideological and political nature, and it must have the strong leadership of the working-class political parties and must be in the hands of cadres who are loyal to the state and the people. People's judicial workers must stand firm in the people's position, constantly study Marxist-Leninist theory, learn from the advanced experience of the Soviet Union, study and follow Chairman Mao Zedong's instructions and state policies and decrees, follow the mass line and the style of seeking truth from facts, and adopt the most convenient working methods for the people.

2. At present, the people of the whole country have basically completed various major social reform movements, such as land reform, to eliminate the remnants of the three enemies of imperialism, feudalism, and bureaucratic capitalism. The national economy has generally recovered, and the vast majority has exceeded the pre-war level, and the country has begun to enter the stage of large-scale planned economic construction. The national and local people's congresses at all levels will begin to hold elections from the bottom up this year on the basis of universal suffrage, and at the same time, the people's judicial organs at all levels across the country have also successfully carried out judicial reform campaigns. Under such circumstances, the central task of our judicial work should be to continue to resolutely fight against the enemy's secret sabotage and all other acts that violate state laws and regulations and endanger the interests of the people, so as to further consolidate the people's democratic dictatorship. It should ensure the smooth progress of national economic construction and the election of national and local people's congresses at all levels from the judicial side; It should actively clean up and gradually reduce the backlog of cases, and conscientiously inspect and handle cases of wrongful arrest, wrongful detention, and wrongful judgment by people's

courts at all levels in the past period. At the same time, in the course of the above-mentioned work, a group of cadres with work experience and cultural level should be deployed and trained in a planned manner to enrich the organization of people's courts at all levels. From the continuous inspection and summary of work, various systems should be established and improved, bureaucracy and rough work style should be overcome, and the remnants of old legal views and old judicial styles should be eliminated. From theoretical, policy and business learning, improve the theoretical, policy and professional level and work efficiency of judicial staff.

3. In order to ensure the smooth progress of universal suffrage at the National People's Congress and local people's congresses at all levels from the perspective of judicial work, and to prevent and promptly deal with possible illegal acts in elections, the county and municipal people's courts shall send people's courts to specially accept election-related litigation cases. The number of people's courts in each county or city shall be prescribed by each county or city according to actual needs, and may be one in one district or one in two or three districts. In addition to being selected from among the existing cadres of the courts, the people's courts must also select a considerable number of competent cadres from other aspects by the provincial, municipal, and county people's governments. The people's courts should pay close attention to the leadership of the people's courts, and conscientiously summarize the experience of the people's courts in the past and the experience of typical election experiments with the judicial administrative organs, and provide necessary education to the people's court staff. In addition, before the election work begins, the staff of the people's tribunals must carefully study the "Election Law of the People's Republic of China on the National People's Congress and Local People's Congresses at All Levels", Vice Premier Deng Xiaoping's explanation on the draft election law, the "Instructions of the Central Election Commission on Grassroots Election Work", and the "Answers to Several Questions of the Central Election Commission on the Qualifications of Electors" in order to correctly handle litigation cases related to elections. After the election work is completed, the county circuit courts can be established and improved in a planned manner on the basis of this people's court.

4. Gradually establish and improve special courts in industrial and mining areas and along railways and water transport lines in a planned and focused manner. The cases accepted by the special courts shall be limited to those related to production and labor protection issues within their jurisdiction, and other general civil and criminal cases shall still be accepted by the ordinary courts wherever there are ordinary courts, so as not to disperse the power of the special courts and affect the completion of their main tasks. The specific task of the special tribunals is to deal with cases of counter-revolutionary sabotage, embezzlement and theft related to industry, mines, railways, and water transport, as well as liability accidents that cause heavy losses to production or state property and endanger the safety of workers due to passive negligence and neglect of duty. Labor dispute cases in large private industrial and mining enterprises in the jurisdiction shall also be accepted. Judges of specialized tribunals shall be selected from politically reliable cadres with considerable expertise. When hearing cases, jurors elected by the workers of industry, mine, railway, and water transport shall participate. In addition, among state-owned industrial and mining enterprises with strong leadership, we should focus on the trial construction of comrade trial committees. The chairman and members of the comrades' trial committee shall be elected by the workers' unions of industrial and mining enterprises or their representatives. The main task of the comrades' trial committee shall be to handle cases related to labor and production discipline, minor liability accidents and theft, and disputes among the masses of workers. Since we still lack experience in this area, it can only be implemented in a very small number of large state-owned industrial and mining enterprises, and it will be gradually promoted after considerable experience.

5. Handling past cases of wrongful arrest, wrongful detention, and wrongful conviction, and clearing up the backlog of cases in the past is one of the important tasks of people's courts at all levels this year. People's courts at all levels must continue to clean up these cases and backlog cases seriously, promptly, and seriously and prudently under the unified leadership of the party and government leading organs and responsible comrades at all levels, and strive to complete them in the next six months.

First, all cases that are truly wrongfully arrested, wrongly detained, or wrongly judged must be cleaned up. In the specific cleanup, we should first distinguish whether the people who are arrested, detained, or sentenced are completely innocent people, or those who are truly counter-revolutionaries, reactionary landlords, corruptors, and thieves in the "five aspects." Those who are completely innocent and wrongfully arrested or wrongfully detained should be released immediately, and those who are wrongfully convicted should be immediately resentenced or rehabilitated. After the wrongful imprisonment is rehabilitated, the parties or their families should admit their mistakes. For the parties who have suffered major damage or their family members, in addition to admitting their mistakes, necessary subsidies should be given to those in difficulty as appropriate. Therefore, even if the punishment is slightly heavier by the courts, or if the masses are punished too heavily for their righteous indignation in various major movements, they should not be regarded as cases of wrong judgment, so as not to arouse the dissatisfaction of the basic masses and the counterattack of bad elements, which will cause undue confusion. However, it should be reviewed from a policy perspective and used as a lesson in future work. Secondly, for all cases of wrongful conviction, we should distinguish between fundamental misjudgement of black and white reversal, or only a deviation in sentencing. Anything that belongs to the former should be revised or rehabilitated. In the latter case, even if it is a case belonging to the people, there is generally no need to change the sentence, except for minor crimes with heavy sentences with large deviations or requests from the parties. However, it is necessary to summarize its experience and lessons so that it can be improved in the future.

Second, those who have committed serious mistakes such as wrongful arrest, wrong detention, and wrong judgment and those who violate laws and discipline must be dealt with seriously and prudently according to their circumstances. Counter-revolutionaries who deliberately create false cases to frame good people, and those who wrongfully arrest, detain, or wrongly sentence those who deliberately frame good people or deliberately shield bad elements must be investigated and punished in accordance with the law, and the most serious cases should be punished with death. Appropriate punishment should be given to those who cause serious consequences due to serious bureaucracy, irresponsibility, and hasty work in their work style. Generally, the parties shall be exempted from punishment if the parties have not suffered serious losses due to low policy level, lack of experience, one-sided thinking, or due to excessive cases, busy work, and rush in handling cases; However, lessons learned must be summed up and educated to avoid repeat offenses.

Third, many wrongful imprisonments involve false accusations. In principle, the responsibility for the mistake should be borne by the competent cadres and law enforcement organs first, and then the problem of false accusations should be dealt with. When dealing with the issue of false accusations, it is necessary to distinguish between "false accusations" and "false accusations", and distinguish whether the plaintiff is a bad element who deliberately framed a good person, or a false accuser who threatened to retaliate and cause significant damage to the defendant, or whether the false accusation occurred simply because the suspicion was taken as a fact. Legally, the former should be pursued; The latter should generally not be pursued, so as not to block the channels of speech, make the people dare not complain easily, and even cause new wrongful imprisonment.

Fourth, the cleanup and reconciliation of wrongful arrest, wrongful detention, and wrongful conviction must be carried out seriously and prudently, but we should not seek superficial vigour. After the rehabilitation of wrongful imprisonment, for major typical wrongful conviction cases, those that are of educational significance to cadres and the masses should be selected, and together with specific dispositions and lessons learned, they should be published in the local newspaper. For cases of wrongful conviction that have considerable influence among the masses, even if they are not of a typical nature, they should be announced within the appropriate mass range. Any misjudgement case published in a local newspaper or within the mass area shall be approved by a higher authority. For cases that have little impact on the masses and the degree of misjudgement is not serious, only the parties can announce the correction. Do not publish in newspapers any cases that are not necessary to be published in newspapers, that is, cases that are of no educational significance to cadres or the masses, and are not beneficial to the country or the people. The revision of the judgment and rebellion of an unjust case shall be reviewed and decided by the original adjudicating organ or its superior organ and the original approving organ.

Fifth, while rehabilitating and dealing with those who violate the law and dereliction of duty, they should be commended for being recognized by the masses as good courts and judges, or those who can seriously conduct investigation and research in handling major cases, and who adhere to principles in fighting against elements who violate laws and disciplines, as well as those who are upright and selfless, report bad people and bad deeds, and have made contributions to rehabilitating wrongful imprisonment. Outstanding judges, people's assessors, and other judicial personnel should be boldly promoted. And distribute good and bad examples together as much as possible.

Sixth, with regard to the backlog of cases, in addition to fundamentally strengthening the construction of the people's judiciary to completely solve it, it is also necessary to temporarily transfer some cadres from relevant departments at an appropriate time under the leadership of the people's governments at all levels to assist the courts in concentrating their efforts on a clean-up, so as to relieve the masses of litigation as soon as possible and change the passive situation of the courts. When clearing the backlog of cases, it is necessary to engage seriously and cautiously to prevent the phenomenon of misjudgement; At the same time, do not neglect the handling of new cases because of the clearing of backlogs.

6. Carry out private mediation work. In order to reduce some cases that do not need to be handled directly by the courts, especially to save the manpower, material resources and time consumed by the masses due to litigation, it is necessary to carry out and strengthen the mediation work of the masses. In areas where land reform has been completed and the suppression of counter-revolution is relatively thorough, cities should take police stations or a number of streets as units, and rural areas should take townships as units, and gradually establish the organization of mediation committees in accordance with the subjective forces and mass base in a planned and orderly manner. For established mediation organizations, leadership should be strengthened; If the ingredients are not pure, they should be rectified. Mediation work must be carried out in accordance with the policies and laws of the people's government, and it must be entirely based on the voluntary nature of both parties.

7. Counties should gradually and universally establish circuit courts. In order to overcome the residual yamen style of the people's courts, facilitate the reliance on the masses, conduct investigations nearby, ensure that cases are handled quickly and correctly, and avoid the parties from "labouring the people and losing money", the county people's courts should send circuit courts to circuit trials in various districts. In addition to handling minor and complex criminal and civil cases, circuit courts should also lead the mediation work in their jurisdiction, give specific instructions and

assistance to the staff of the mediation committee, and carry out publicity and education on law and discipline among the people through the handling of cases. Criminal sanctions imposed by circuit courts and major civil cases handled by circuit courts shall be enforced only after approval by the adjudication committee of the county people's court in the early stages of trial. The Circuit Court has the power to rectify or revoke the conciliation if it finds that the Conciliation Committee has mishandled the case.

The district people's courts of major cities shall be established in one district or several districts; Those that have been established but are not yet sound should be strengthened. If the people's courts of provinces and municipalities have too many cases or large jurisdictions, they may set up municipal people's court branches to facilitate the people's litigation.

8. Generally, establish a jury system of first instance. People's assessors participate in the trial of cases as an important form of attracting people to participate in state management. In first-instance cases, the election of impartial people's assessors by the masses to participate in the trial not only makes it easier to clarify the facts of the case in a relatively short period of time, thus making it easier to handle the case correctly, but also improves the public's sense of responsibility and ownership towards the state, and closes the connection between the court and the masses. The jury system in first-instance cases should be gradually established universally. Both forms of jury can be used. One is to select a number of fixed people's assessors by region to attend jury trials when circuit courts and grassroots courts go to the local area for trial or to hear local cases. Fixed people's assessors are elected by the local election assembly or congress. the other is to select people's assessors from relevant mass organizations to participate in the trial according to the nature of the case. The latter of these two forms of jury should be used more at present to accumulate experience and facilitate promotion. People's assessors have the same rights as judges in participating in case trials. If the people's assessors and the judges disagree, they shall be submitted to the adjudication committee of the people's court for decision.

9. People's courts at all levels, especially grassroots courts, should establish and strengthen people's reception rooms and trial work on duty, answer people's questions, handle people's letters, write pleadings, record oral complaints, and handle cases that are not very complicated and can be resolved without much investigation at the time.

10. Supplementing, cultivating and training cadres is one of the important links in strengthening judicial work at present. In the future, workers and peasants, demobilized PLA soldiers, and progressive intellectuals should be selected from among the people's assessors, and they should be given short-term training to serve as judges, so as to improve the organization of people's courts at all levels, first of all, grassroots courts. At the same time, education and rotation training should be strengthened for existing cadres. In addition to regularly paying close attention to the study of in-service cadres, in the next two or three years, a short-term quick approach should be adopted to rotate the majority of leading cadres and newly transferred cadres of judicial organs at the provincial, municipal, and county levels, mainly to improve their theoretical and policy levels and their ability in judicial work. The political and legal cadre schools of the central government and major regions should mainly train the backbone of leaders at or above the county level in batches; The Central Political and Legal Cadre School shall also be responsible for training the leading backbone of the courts in industrial and mining areas and the special courts along the railway and water transport lines. All provinces and municipalities should hold short-term training courses for judicial cadres, whose main task is to train newly transferred and in-service cadres who are preparing for promotion.

11. The current task of judicial construction is arduous, and the work of the judicial administration offices of the people's courts at or above the provincial and municipal levels must be strengthened, and the county (city) people's courts should also have special personnel responsible for judicial administration to be responsible for the management of cadres, the education of cadres' theories, policies, and operations, and the judicial construction work in their respective regions.

In order to overcome the current phenomenon of weak ideological and political leadership in the judicial system, judicial leading organs at all levels must pay close attention to the leadership of cadres in theoretical, policy, and professional study; Carefully summarize and exchange work experience; Always pay attention to promoting the advanced experience of the judicial work of the Soviet Union; Strengthen investigation and research, find problems in a timely manner, and give guidance to subordinates. Judicial organs at all levels should regularly report the central issues in their work to local party and government leading comrades and higher-level judicial organs for instructions, and request party and government leading organs at all levels to strengthen their leadership over judicial work in the future.

12. This resolution shall be submitted to the Central People's Government for approval before implementation. In the process of implementation, judicial departments at all levels shall send inspection teams to effectively inspect the implementation based on the provisions of this resolution, and the judicial administrative organs at or above the provincial or municipal level shall report the inspection results to the Central Ministry of Justice in a timely manner. This report is tentatively stipulated to be every three months. The first report should be made in August.