

Details of intentional homicide trial of Bogu Kailai, Zhang Xiaojun released

By XINHUA in Hefei

The attention-grabbing intentional homicide trial of Bogu Kailai and Zhang Xiaojun opened on Thursday in East China's Anhui province.

All seats in the courtroom of the Hefei City Intermediate People's Court in Anhui were occupied when the trial began.

More than 140 people attended the trial, including relatives and friends of the two defendants, relatives and friends of British victim Neil Heywood, diplomats from the British embassy and consulates in China, media representatives, deputies to China's legislature and members of China's political advisory body, as well as members of the general public.

Prosecutors presented evidence and summoned forensic experts to testify, while the defense counsels of Bogu Kailai and Zhang conducted briefings for them, respectively. Legal representatives for the victim's family also presented their opinions.

The trial lasted for about seven hours, and the court announced that the judgment would be delivered on a day that has yet to be announced.

Trial details

When Hu Quanming, chief judge of the No 1 Criminal Division of the Hefei City Intermediate People's Court, announced the beginning of the trial at 8:30 am on Thursday, Bogu Kailai and Zhang were escorted by marshals to the defendant seat.

Bogu Kailai, nee Gu Kailai, was born on Nov 15, 1958 in Beijing, with her household registration listed in the city's Dongcheng district. She was a practicing lawyer in Beijing.

Zhang Xiaojun was born on Oct 22, 1979 in Guixian County of North China's Shanxi province, and his household registration is listed in Yuzhong district of Chongqing Municipality in Southwest China. He was an employee of the General Office of the Chongqing Municipal Committee of the Communist Party of China (CPC).

The hearing started at 8:35 am after the chief judge informed the parties of their legal rights during the trial. Du Wei, a prosecutor for the People's Procuratorate of Hefei City, presented the indictment.

According to the indictment, Bogu Kailai and her son, surnamed Bo, had conflicts with Heywood over economic interests. Concerned about Heywood's threat to her son's personal safety, Bogu Kailai poisoned him with the assistance of Zhang.

The People's Procuratorate of Hefei City accused the two defendants of murder by poisoning. With clear facts and substantial evidence, their behavior violated Article 232 of the Criminal Law of the People's Republic of China; therefore, the two defendants should be held criminally responsible for intentional homicide. The case is a joint offense, with Bogu Kailai as the principal and Zhang Xiaojun as the accessory.

The two defendants made statements on the facts presented in the indictment and confessed to intentional homicide. The prosecutors and the defense counsels cross-examined the two defendants.

Then, the hearing proceeded to the cross-examination of evidence phase. The prosecutors presented their evidence, including the defendants' statements, witness testimonies, material evidence, documentary evidence, records of inquests and examination, expert conclusions and video and audio materials. The prosecutors and defense counsels also debated issues, including the facts, evidence and the application of the law.

The People's Procuratorate of Hefei City pointed out in the indictment that the case is one of intentional homicide that ille-

gally deprived another of life.

The prosecutor said that each citizen's right to life is the most basic and important right. The law of all countries, without exception, puts the protection of the right to life as paramount, which not only shows care for life, but also fully respects human rights. China's Criminal Law, which fully guarantees each citizen's right to life and health, has stipulated severe penalties for intentional homicide. The actions of the two defendants not only caused the victim to lose his life, but also damaged several happy families, bringing destructive social impact that is hard to repair. Everyone is equal before the law. In constructing the socialist society ruled by law, anyone who breaks the law will be held responsible.

When the trial was about to close at 3:10 pm, Bogu Kailai said in her final statement that she accepted all the facts written in the indictment, saying, "This case has been like a huge stone weighing on me for more than half a year. What a nightmare. During those days last November, I suffered a mental breakdown after learning that my son was in jeopardy. The tragedy which was created by me was not only extended to Neil, but also to several families."

"The case has produced great losses to the Party and the country, for which I ought to shoulder the responsibility, and I will never feel at ease. I am grateful to the humanitarian care shown to me by those who handled the case. I solemnly tell the court that in order to maintain the dignity of the law, I will accept and calmly face any sentence and I also expect a fair and just court decision," she said.

Zhang Xiaojun said in his final statement that he confessed his guilt, and would say "sorry" to the relatives of the victim. "I hope the court can give me a chance to take a new lease on life. I really know that I did wrong."

At 3:20 pm, the trial closed. The chief judge announced an adjournment and the judgment will be announced at a later date.

Reason for re-investigation

According to the evidence submitted by the public prosecution body, after Neil Heywood was found dead on the morning of Nov 15, 2011, then deputy chief of the Public Security Bureau of Chongqing Municipality Guo Weiguo, who has close ties with Bogu Kailai's family, was designated to handle the case by Wang Lijun, then vice-mayor of Chongqing as well as the chief of Chongqing's Public Security Bureau.

Guo asked Li Yang, then chief of the criminal section of the Public Security Bureau of Chongqing, Wang Pengfei, then chief of the bureau's technical detection team as well as the chief of the Public Security Sub-bureau of Chongqing's Yubei District, and Wang Zhi, then executive deputy chief of the Public Security Sub-bureau of the municipality's Shapingba District to investigate the scene of the crime as well as the case.

Through interviews and on-the-scene investigations, Guo and other individuals found that Bogu Kailai was highly suspected of committing the crime. They covered up the fact of Bogu Kailai's presence at the scene by fabricating interview records, hiding material evidence and other measures.

Guo and other individuals decided through consultations to list the cause of Heywood's death as sudden death after drinking alcohol, and did not put it on file as a criminal case. They also persuaded Heywood's family members to accept their conclusion of the cause of death and cremated the body in Chongqing without performing an autopsy.

After Wang Lijun entered the United States Consulate General

in Chengdu without authorization, the Ministry of Public Security paid great attention to his report that Bogu Kailai was suspected of murdering Heywood.

Guo Weiguo, Wang Lijun, Li Yang, Wang Pengfei and Wang Zhi have all been investigated in other cases.

The ministry set up a team to reinvestigate the case in accordance with Chinese law, and found that Heywood had been the victim of homicide. Bogu Kailai and Zhang Xiaojun were then considered prime suspects.

On suspicions of intentional homicide, Bogu Kailai and Zhang were put under residential surveillance on March 15, 2012.

To ensure an impartial handling of the case, the Ministry of Public Security, the Supreme People's Procuratorate and the Supreme People's Court designated the Public Security Bureau of Hefei City, the People's Procuratorate of Hefei City and the Intermediate People's Court of Hefei City to carry out the investigation, prosecution and trial of the case, respectively.

On July 6, 2012, the procuratorate body approved the arrest of Bogu Kailai and Zhang for suspicion of intentional homicide.

On July 10, the public security organ transferred the case to the procuratorate for the same charge after finishing the investigation.

On July 26, the procuratorate issued an indictment to the Intermediate People's Court of Hefei City.

Key points of the case

As the court investigation proceeded and the debate thoroughly unfolded, key details of the murder allegedly committed by the two defendants began to surface, based on the testimonies of Bogu Kailai and Zhang Xiaojun during the investigation and throughout the trial as well as evidence presented in court.

• Murder motive

Bogu Kailai said in her testimony that "it was in about 2005 when my son was studying in Britain that Neil Heywood wrote us a letter of self-introduction, showing his intent to get to know us."

Bogu Kailai testified that after she and her son, surnamed Bo, became acquainted with Heywood, she introduced him to serve as a proxy to a company and participate in the planning of a land project, which never got started. Heywood later got into a dispute with Bogu Kailai and her son over payment and other issues, and he threatened her son's personal safety.

In court, prosecutors presented e-mails exchanged between Heywood and Bo, showing how the dispute between the two had escalated.

According to the evidence prosecutors brought to court, after Bogu Kailai learned of the escalation of their dispute, she believed Heywood had threatened the personal safety of her son and decided to kill Heywood.

"To me, that was more than a threat. It was real action that was taking place. I must fight to my death to stop the craziness of Neil Heywood," according to Bogu Kailai's testimony that prosecutors presented in court.

The defense counsels for Bogu Kailai presented their opinions on the criminal motive, while prosecutors presented a series of evidence to prove Bogu Kailai's criminal motive.

• Criminal process

Prosecutors presented Zhang Xiaojun's testimony as follows: On Nov 12, 2011, Bogu Kailai asked me to contact Neil Heywood, saying that she wants to meet him and I shall pick him up and bring him to Chongqing. She instructed me repeatedly that I should accompany Heywood to Chongqing. I called Heywood and told him that Bogu Kailai wanted to meet him in Chongqing. Heywood replied that he

also wished to see her, but had to check his schedule. Within half an hour, Heywood called me back, telling me he would be available the next day and asking me to book a flight for him.

As shown by documentary evidence that includes the flight tickets and hotel registration form, on Nov 13, 2011, Zhang escorted Neil Heywood from Beijing to Chongqing. Heywood checked in to Room No 1605 of the 16th building of the Lucky Holiday Hotel in Nan'an District of Chongqing Municipality, as arranged by Zhang.

According to the testimonies of Bogu Kailai and Zhang, which were presented to the court by prosecutors, that evening, Bogu Kailai had prepared two bottles — a glass bottle of poison that contained cyanide compound and another medicine bottle of capsulated drugs. Bogu Kailai gave the glass bottle to Zhang.

At around 9 pm on Nov 13, 2011, Bogu Kailai and Zhang visited Heywood's hotel, bringing along the two bottles, as well as wine and tea. After entering Heywood's hotel room, Bogu Kailai drank wine and tea with him while Zhang waited outside. Later, Heywood became drunk and fell in the hotel bathroom, and then Bogu Kailai called Zhang into the hotel room and took the glass bottle of cyanide compound that Zhang was carrying.

Zhang said in his testimony that he put Heywood on the hotel bed. After Heywood vomited and asked for water, Bogu Kailai put the bottle of cyanide compound she had prepared into Heywood's mouth. Then she scattered the capsulated drugs on the hotel floor, making it seem as though Heywood had taken the drugs.

According to what Zhang recalled in his testimony, Bogu Kailai poured cyanide compound into a small soy sauce container that she had prepared beforehand, mixed it with water and walked to the left side of the bed. She dripped the toxic mixture into Heywood's mouth as she was talking to him.

Bogu Kailai and Zhang visited Heywood's room on the night of the crime, as video footage presented to the court by the prosecutors showed. According to the physical evidence inspection report submitted by China's Ministry of Public Security, DNA samples from Bogu Kailai and Zhang were found on bottle caps and cup lids at the crime scene.

Bogu Kailai told hotel waiters to leave the guest alone in Room No 1605, after hanging the "Do Not Disturb" sign on the door when she left, according to the testimony of a hotel waiter.

• Cause of death

Witness testimony provided by prosecutors showed that Bogu Kailai illegally obtained the poison that contained cyanide compound through other people.

During the trial, the Ministry of Public Security's reports and position papers on the examination of material evidence, as offered by prosecutors, showed that blood extracted from Heywood's heart and samples of his vomit collected at the crime scene contained cyanide ions, and Heywood's death was caused by cyanide poisoning. The conclusion was based on renewed examination and identification of trace evidence taken at the crime scene as well as the blood from Heywood's heart, which was collected and preserved by the Public Security Bureau of Chongqing after his death.

During the trial, defense counsels of Bogu Kailai and Zhang Xiaojun raised questions concerning the transfer and preservation of the blood from Heywood's heart and other material evidence. Prosecutors pointed out that the blood and other key pieces of evidence were preserved in normal conditions, proving the validity of the material evidence.

Experts with the material evidence identification center under

the Ministry of Public Security appeared in court to testify and answered questions raised by the prosecutors and defense counsels.

• Expert testimony

During the examination and prosecution phases of the case, defense counsels entrusted by Bogu Kailai filed an application to the prosecuting body to evaluate Bogu Kailai's mental state at the time of Heywood's death through forensic psychiatric expertise.

After examination, the prosecuting body entrusted the forensic examination institute under the Shanghai Mental Health Center to conduct an evaluation of Bogu Kailai's mental state in accordance with the law.

After studying her medical records and interrogation transcripts, hearing the testimony of witnesses, talking with Bogu Kailai alone and conducting discussion and analysis, the expert group concluded that Bogu Kailai had been treated for chronic insomnia, anxiety and depression, and paranoia in the past.

She used to take anxiolytics, antidepressants and sedative hypnotic drugs, and she also received combined treatment by taking antipsychotic drugs, but the curative effect was not enduring. She developed a certain degree of physical and psychological dependence on sedative hypnotic drugs, which resulted in mental disorders.

However, Bogu Kailai had a clear goal and a practical motive in committing the alleged crime. Preparations were made prior to the alleged criminal act, including, for example, asking for poison from others and storing the poison, planning to take the victim to Chongqing and arranging the location for committing the alleged crime, among others.

She was also able to determine the environment for committing the alleged crime, and she had a relatively strong awareness of protecting herself.

Taking all of the above factors into consideration, Bogu Kailai has an intact ability to identify the nature and consequences of this alleged criminal behavior and a weakened ability to control herself. Therefore, she should be identified as having the capacity to accept full criminal responsibility.

Before and after trial

Investigatory, procuratorial and judicial authorities have taken the facts as the basis and the law as the criterion, and handled the case strictly in accordance with the law in the process of the investigation, approval of the arrest, prosecution and the court hearing.

During the investigation, the public security department formulated a meticulous investigation plan, conducted 394 interrogations of the witnesses and people involved in the case and put together 212 evidence documents totaling 1,468 pages in 16 volumes. Investigators visited Chongqing, Beijing and other places many times in the course of the investigation, questioning people involved in the case and people who know about the case.

Investigators studied the full process of collecting, examining, storing and transferring important material evidence such as the blood extracted from Neil Heywood's heart, the poison and the vomit samples. A substantial amount of evidence had been further obtained and confirmed after three months' scrupulous investigation efforts.

During the procuratorial process, to ensure the facts of the case are clear, the evidence sufficient and the procedure lawful, judicial staff thoroughly and meticulously examined the evidence collected and put together by investigators. They also provided more than 200 items of suggestion for further investigation.

Judicial staff sent the defendants a letter to inform them of

their rights and responsibilities. The defendants were informed that they were entitled to entrust defense counsels to represent them. The victim's close relatives were informed that they were entitled to obtain legal representatives. The defendants were legally interrogated, and the opinions of the defense counsels were heard.

After the defendants were indicted, the Hefei City Intermediate People's Court formed a collegial panel, sent duplicates of the indictment to the defendants, informed the defendants and the victim's family of their litigation rights and gave lawyers access to the case file.

After Bogu Kailai was held by investigators, she once refused to engage a lawyer. In a bid to protect the legitimate rights of a criminal suspect, judicial staff informed her of her right to a lawyer several times.

Bogu Kailai eventually decided on her own to entrust two lawyers to represent her, and Zhang Xiaojun decided to entrust one lawyer to represent him.

After the trial, Jiang Min, a lawyer with Anhui Tianhe Law Firm who serves as one of Bogu Kailai's defense counsels, said that since he got involved in the case, judicial authorities have protected the lawyer's rights to meet with the defendant and to have access to the case file. Jiang said more than 10 meetings with the defendant had been arranged, and he fully expressed the opinions of the defense in court as he had planned to do beforehand.

Xu Shuping, a professor from the Law Department of Anhui University who attended the hearing, said although the hearing lasted for almost seven hours, the court strictly followed the law and completely protected the rights of the defendants and their defense counsels in making statements, presenting evidence, questioning evidence and issuing a defense.

Xu said the court abided by the principles of taking facts as the basis and the law as the criterion — the spirit of handling the case strictly in accordance with the law.

Meanwhile, the law professor said this case has shown that in a modern, rule-of-law society, the law provides a platform for all citizens to safeguard their legal rights and interests in a fair way. When people want to solve their problems, they have to do it in a proper and lawful way, she said, adding, "We must respect and be in awe of the law."

Zheng Xiaoyan, a deputy to the National People's Congress who attended the court hearing, said the public intentional homicide trial of Bogu Kailai and Zhang indicates that China is a socialist country governed by law. The dignity and authority of the law brook no violation. Anyone who breaks the law will be dealt with according to the law, with no exceptions.

Zheng said everyone is equal before the law, so nobody is entitled to any privilege. The binding force of the law does not have exceptions. Any one who breaks the law must be severely punished.

"This case has drawn great attention from the public," said Jiang Tao, a local resident from the Yaohai district of Hefei. "I attended the full hearing and felt the solemnness of the court and inviolability of the law."

"The public trial shows that everyone is equal before the law. I hope that the court will make a fair judgement in accordance with the law," Jiang Tao said.

In addition, the Hefei City Intermediate People's Court on Friday held a trial on the case involving Guo Weiguo, Li Yang, Wang Pengfei and Wang Zhi, who stand accused of bending the law to achieve personal benefit. The verdict will be announced on a day that has yet to be announced.