

“If you won’t give me an explanation, I’ll give you one.”

—Yang Jia

Human rights violations in criminal justice are rarely a cause of wide public concern in any society, and when they are, more often than not, popular outrage is directed against the defendant, especially when he is seen as a “bad guy” anyway. Such was the case in 2003 when the Chinese Supreme People’s Court (SPC) retried Liu Yong, a mafia boss charged with various crimes, whose sentence had been reduced from death to life imprisonment on appeal because “it could not be ruled out” that the police had tortured him during investigation. A public outcry at this “too mild” sentence followed, and on retrial, the SPC sentenced Liu to death and had him swiftly executed.¹ Liu Yong exemplified a return to a “popular”—or populist—form of criminal justice, in which the judiciary uses the notion of public sentiment about a case to push for a particular decision.² This approach has in the meantime been elevated into doctrine by the new Supreme People’s Court President, Wang Shengjun (王胜俊).³

But every now and then a widely popular criminal suspect emerges, a person with whom the public can identify and whose concerns are like one’s own. Yang Jia (杨佳) was such a person. He was an ordinary young man of

YANG JIA AND CHINA’S UNPOPULAR CRIMINAL JUSTICE SYSTEM

In July 2008, Yang Jia killed six police officers and wounded several others. He was convicted of murder and executed the following November. But he died as a victim of Chinese criminal “justice”—and as a celebrated hero and martyr of the Chinese petitioner movement. Eva Pils, assistant professor at the Faculty of Law at the Chinese University of Hong Kong, tells the story of Yang Jia’s ordeal in a flawed criminal justice process. Pils argues that the great public sympathy for Yang—and anger at the system—indicate the rise of a potentially insurgent mindset among people with grievances. Pils warns that if the Chinese leadership does nothing to advance the currently largely stalled criminal procedure reform, there may be other Yang Jia cases to follow.

By Eva Pils



Yang Jia at his first appeal hearing, Shanghai People’s High court, October 13, 2008. Photo Credit: Shanghai People’s Court/AFP.

twenty-eight, round-faced and pleasant-looking, a loving son, hopeful of finding a girlfriend, fond of hiking and writing his personal blog, punctilious in his habits. He was out of a regular job and living in reduced circumstances with his mother in Beijing. And he was fated to fall victim to repeated, erratic police action.

In 2007 in Shanxi, according to reports, he got into an argument with local police while waiting in a train station. They took him in for questioning and beat him, knocking out his front tooth.⁴ Later he petitioned the authorities and got some compensation for medical expenses, but in this quest for justice Yang Jia changed, becoming obsessed with the wrong he had suffered, and then also with a legal case that had affected his mother. Many nights he spent in front of the computer writing complaints on her behalf. Her petitioning got her in trouble and in March 2007 she was detained for two weeks for petitioning deemed unlawful.⁵ Her case never got resolved.⁶

Then in October 2007, while in Shanghai, police of the Zhabei (闸北) District Police Station detained Yang Jia on suspicion of riding a stolen bike. Again, Yang Jia talked back: he pointed out,

correctly, that he had merely rented the bike and said he knew nothing about it being stolen. But he was taken in for questioning anyway, and reportedly was beaten very

badly before the police let him go.⁷ Another round of complaints and petitions ensued. Yang asked the police for an acknowledgement that they had done wrong, and he also asked for compensation. But the only response he got, after months, was that his treatment had been “reasonable” and “with a legal basis.” One day, Yang Jia “snapped.” He traveled back to Shanghai and prepared his revenge.

On the morning of July 1, having told his hostel manager that he would not be coming back that night, he went to Zhabei police station armed with a long, sharp knife, a hammer, and a self-made explosive. He walked into the station and distracted the security guards by throwing the explosive. Then he walked into the reception area and using only the knife, slashed the throats of four police officers, before proceeding to the 10th and 21st floors, where he killed another two officers and wounded five more people.⁸ He only desisted when armed officers rushed to the scene, trained a gun at him and constrained him. “Just shoot me,” he said, “I’ve had enough.”⁹

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He was detained, and under interrogation, the first words Yang Jia spoke (after first refusing to say anything) became famous: “If there are certain humiliations that would stay with me my whole life, I would rather break the law. No matter what issue, you must give me an explanation (*shuofa* [说法]). If you won’t give me an explanation, I’ll give you one.”¹⁰ The expression *shuofa* means “explanation” but it can also mean “apology” or even “justice.”¹¹ “If you won’t do justice by me, I’ll do you justice by you.”

“Let us learn from Model Yang Jia!
Who feared no evil, nor gave in to the Party,
Who knew love from hate and remembered old wounds,

Who killed the policemen with a butcher’s knife,
Who killed the policemen with a butcher’s knife.”¹²

This is the first verse of a poem celebrating Yang Jia that was circulated on the Internet, a satire on a well-known Communist Party (CPC) eulogy for the “model worker” Lei Feng (雷锋), celebrated for his altruism in a CPC propaganda campaign from the 1960s and 1970s. It illustrates the fact that the case captured the public imagination; and it did so in a rather disturbing way.¹³ The fact that he could be regarded as a typical victim of arbitrary, gratuitous police abuses made Yang Jia popular, and the fact that he replaced words with action when he gave the police his “explanation” made him a sort of people’s hero. Later, his criminal punishment after a deeply flawed investigation and trial process would make him a martyr for the Chinese petitioner movement. Never mind that his victims on July 1, 2008 were randomly-targeted officers perhaps not even previously known to the killer. Never mind that Yang Jia may, as his more enlightened advocates have argued, have been mentally ill and therefore not acting accountably at the time he committed the assault and killings. In the eyes of those who openly celebrated him, he had suffered their own grievances; he was one of them, only more courageous than they because he acted on his outraged sense of “justice.”

Once his case had been reported in the print media¹⁴ and then the Chinese blogger scene, probably millions of Chinese citizens followed its careening path through the criminal process in Shanghai, although official reporting was soon stopped, and Internet censors reportedly deleted comments and even shut down websites carrying texts about Yang Jia.¹⁵ Just as much as the disturbing celebrations, so also the fate of Yang Jia, his mother, and his lawyers at the hands of the judicial authorities shows a society experiencing a crisis of its justice system.

TRYING TO SAVE YANG JIA

There was of course no doubt that Yang Jia had carried out the attacks and killings. The two major questions his friends were asking themselves were: was there sufficient indication of insanity or diminished responsibility to argue that he could not be held criminally responsible for these acts? Failing that, could any vio-

lence he had suffered previously from the police, especially during his October 2007 detention in the Zhabei police station, be adduced as a factor mitigating the punishment? As homicide cases go, this one seemed straightforward enough. But the way the authorities handled it suggested that they were trying to hide something, even at considerable cost.

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A rumor began to circulate, according to which Yang Jia had sought medical treatment after the alleged Zhabei police beating, and been told by the doctor that his genitals had been injured, perhaps resulting in a future loss of his procreative capacity.¹⁶ Though in its initial statements the police had characterized Yang’s deed as “revenge,”¹⁷ this report was quickly denounced as fabrication by the authorities, and Xinhua News Agency reported that the man who had started it had been detained and charged with the crime of defamation.¹⁸ In mid-August, the Shanghai police convened a press conference during which they stated the case from their point of view: they had never done any physical harm to Yang Jia,¹⁹ who had been in good mental health, and who had committed murder.²⁰ The police had met his requests for damages with patience, although it rejected them, and “even sent officers to Beijing twice to educate and persuade Yang.”²¹

The defense’s claim that Yang Jia might suffer from mental illness could never be substantiated by means of an independent medical opinion. A forensic science institute produced an examination result according to which the suspect was in good mental health. Several lawyers, including the Beijing lawyer Liu Xiaoyuan (刘晓原), persuasively questioned the qualifications of this institution, pointing out a fatal conflict of interest due to the institute’s affiliation with authorities under the Ministry of Justice.²² But no examination in accor-

dance with the legal requirements for psychiatric assessments concerning a defendant’s criminal responsibility was ever permitted.

Who might have helped to clarify these two issues? Yang Jia’s mother was one important person who could be reasonably supposed to have heard of the details of his run-ins with the police, especially the incident at the Zhabei police station, and to speak to the nature of Yang Jia’s injury and his state of mind in the summer of 2008.²³ When attention turned to Yang Jia’s mother, however, it was found that she had been taken away by the police “to assist the Shanghai police in its criminal investigation” on the evening of the killings. Her whereabouts remained unknown for months. On November 8, 2008, after the trial, her sister was informed that she was being held forcibly in a psychiatric hospital affiliated with the Beijing police—one of the notorious “*ankang*” (安康) institutions, places known for housing people diagnosed with what has been dubbed “litigation mania” by the authorities.²⁴ She was not suffering from mental illness, but she might have been able to make unwelcome disclosures. While in the *ankang* hospital, she was asked to sign a letter authorizing a certain lawyer, Xie Youming (谢有明), to be her son’s defense lawyer.²⁵

But there was a problem with Lawyer Xie Youming (who was joined on the defense team by another lawyer, named Xie Jin [谢晋]): he was also an officially-appointed advisor to the Zhabei District government, and therefore was working for the very authorities that had employed his new client’s victims.²⁶ Lawyer Xie was not able to explain how he had come by Yang Jia’s mother’s signature, and could not help with answering anxious questions as to where the mother could be found.²⁷ What he *could* do was make a prediction of Yang Jia’s sentence to the media. According to a sharply critical report published in the official *Procuratorial Daily*, he had been quoted as saying that “in such aggravated circumstances” there could be little doubt that his client’s punishment would be death.²⁸

So could another lawyer be found? Attention now concentrated on Yang Jia’s father, who had not seen much of his son since the divorce from his mother, when Yang Jia was still a child, but who also should have had the right

to appoint a defense lawyer on his son’s behalf. He duly entrusted a team of 16 well-known, Beijing-based criminal defense lawyers with experience in “politically sensitive” cases—the case had by that time assumed great public significance, and the lawyers saw a chance to make this case serve the wider cause of exposing and addressing the flaws of the criminal justice system. But when the two lawyers selected to act as defense counsel at trial reached Shanghai, they were told that there was no need for them, and that they could not see their would-be client, for Yang Jia “had already got defense lawyers” and actually insisted on keeping the ones his mother had appointed to him.²⁹ That, of course, was Lawyer Xie Youming and his colleague Xie Jin.

After a trial that had been once postponed due to the Olympic Games held in Beijing, the Shanghai No. 2 Intermediate People’s Court on September 1, 2008, found Yang Jia guilty of murder and sentenced him to death. Despite applications made by the two lawyers Xie, the court had not heard any witnesses for the defendant and had rejected the application to conduct a new psychiatric investigation, and none of his friends or family or of the Beijing lawyers were allowed to attend the hearing,³⁰ which was later publicly criticized as a “black box” trial in an online petition on behalf of Yang Jia.³¹ Yang Jia appealed, and the appeal (second instance) hearing was scheduled for October 13, 2008, at the Shanghai High People’s Court.

UNPOPULAR CRIMINAL JUSTICE

This time, the famous Shanghai lawyer Zhai Jian (翟建) acted as defense lawyer, and the court hearing was genuinely open,³² but not all of Yang Jia’s supporters could get into the courtroom. A large number gathered outside, and several of them wore white t-shirts that showed Yang Jia’s picture and the phrase that had made him famous:

“If you won’t give me an explanation, I’ll give you an explanation.”

Some of these people also chanted the same slogan, and



Plainclothes policemen detain a protester outside the court where Yang Jia began his appeal, Shanghai, October 13, 2008. Photo Credit: Mark Ralston/AFP/GETTY IMAGES.

some were promptly detained and questioned.³³ They were petitioners, and Yang Jia had become a symbolic figure for them. They also wanted a *shuofa*—an explanation, justice—in their own cases. But in the end, they were no more able to help Yang Jia than his lawyers were.

While some of the Beijing lawyers and some members of Yang Jia’s family were at least able to get into the courtroom, according to one of the attending lawyers from Beijing, the hearing “was a mere re-enactment of the first instance hearing,”³⁴ at which no witnesses at all were called and none of the defense’s points was accepted. The new defense lawyer argued that not only Yang Jia’s conduct at the time, but also his bizarre indifference to the outcome of the trial strongly suggested mental illness; indeed, he had never seen a defendant in a death penalty case look so “relaxed.”³⁵ Yang Jia, it seemed, truly had “had enough.” One lawyer added that Yang Jia “did appear mentally ill” during the hearing—while he insisted that he had been beaten by the Zhabei police, he “could not remember” most of the events at issue in the trial yet also asserted that he “did not regret.”³⁶ Lawyer Zhai, finally, reported that the court made Yang Jia’s own assertion that he had no mental health problems a basis for its assessment that the defendant was criminally responsible.³⁷

The flawed logic of judicial populism did not work this time around: “despite” the strong popular support for him, noted by one of the Beijing lawyers,³⁸ Yang Jia was found guilty again, and again sentenced to death. A few days later the Supreme People’s Court—which had, in 2007, resumed the power of final review of all death penalty cases, characterizing this as an effort to reduce the number of death sentences³⁹—confirmed his death

sentence.⁴⁰ This procedure has reportedly led to a significant decrease in the total number of death sentences.⁴¹ It seems that Yang Jia’s case did not belong to that group of capital cases that were thought worthy of a reduction in sentence by the SPC.⁴²

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Yang Jia’s case is the epitome of unpopular criminal justice—or indeed, of unpopular “criminal injustice.” He should not have been convicted in a first instance trial flawed by the lack of a trustworthy lawyer. He should have had another psychiatric examination. He should have been allowed to tell his story, including any parts that might have incriminated the authorities, in full and in public. The fact that he was not given these opportunities raised another strong reaction from the Chinese public.

Not all comments on Yang Jia’s case reflected as misguidedly vengeful a sense of “justice” as the comments by those who celebrated him as an *yishi* (义士), a “person upholding justice.”⁴³ Some of the public responses to his case were truly enlightened. One of Yang Jia’s supporters was Ai Weiwei (艾未未), one of China’s most well-known artists and public figures. He led a petition asking for a pardon on behalf of Yang Jia. Yang Jia’s case, Ai and his co-petitioners wrote, confirmed the great need for a reform, reflecting, as it clearly did, the doubts of many as to the justice of China’s public institutions and the ability of its judiciary to deliver justice in criminal cases. Moreover, they wrote, their petition rested on the sense that their country was in crisis. A reform transforming it from a police state into a civilized one was needed and would allow the country to recover its energies.⁴⁴ This petition was posted online, and despite Internet censorship, it reportedly gathered over 4,000 signatures in only two weeks.⁴⁵

Yang Jia’s mother, just released from the *ankang*, was allowed to visit Yang Jia once before the execution. But she was not told that she was seeing her son for the last time.⁴⁶ His father, who had been allowed one visit in

October, only learned about the execution decision when Yang Jia was already dead. He expressed his deep and bitter disappointment with criminal justice in China.⁴⁷ But then he commented, almost with pride, that Yang Jia “fought for respect, and he finally got it; he did get his ‘explanation.’”⁴⁸

Within minutes of Xinhua News Agency’s announcement of the execution by a few scant lines, tens of thousands of comments were posted on the website that contained this news item.⁴⁹ They were quickly taken down by the authorities.

MILLIONS OF YANG JIAS

“Let us learn from Model Yang Jia!
A hundred million netizens will never forget
If one Yang Jia is brought down
Millions and millions of Yang Jias will follow him
Millions and millions of Yang Jias will follow him.”⁵⁰

“Millions and millions of Yang Jias” is, in every respect, a frightening thought. To prevent it, the authorities should not only reconsider the way they conduct criminal investigations and criminal trials, but also examine their mindset on questions of criminal justice. The fact that the case of Yang Jia is in some ways so mundane should make the authorities *more* rather than less interested in genuine improvements of the criminal justice system, and improvements beginning with fairer procedures will be the best strategy for addressing the Chinese public’s concerns. It has become clear that in China’s alert, volatile, and restive society of netizens, where news and rumor spread quickly, there will always be a potential for hundreds of thousands of people becoming incensed over another such mundane, but not therefore any less tragic, case of criminal injustice. Police brutality occurs everywhere, albeit to varying extents, and so, occasionally, do acts of revenge by the young men (typically) who have been brutalized. It is only when such brutality becomes systemic that the people working in a criminal justice system will feel they must cover it up with as much futile effort as in this case.

What they should do is clear enough, even though it may appear difficult. The judiciary should abandon its

false claims of delivering a more “popular” criminal justice. It should stop silencing a profession that criminal justice centrally relies on, the lawyers. It should follow its own procedures for psychiatric assessments of a suspect’s ability to assume criminal responsibility. It should repudiate the appalling idea that family members of a person going through the criminal justice process can be grabbed from their homes by the police “to assist criminal investigation,” or be incarcerated in psychiatric institutions in order to keep them under control. It should follow the reform process begun gradually under the previous Supreme People’s Court President Xiao Yang, reforms seeking to inculcate greater respect for human rights in China’s criminal justice system. We can’t tell, but perhaps the case of Yang Jia has at least made the current SPC President Wang Shengjun⁵¹ think again.

NOTES

1. Benjamin Liebman and Timothy Wu, “China’s Network Justice,” *Chicago Journal of International Law* 8, no. 1 (2007), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=956310; “Zhuanfang Zhongguo faxuehui fuhuizhang Chen Guangzhong: gaipan sihuan tixianle fazhi jingshen” [专访中国法学会副会长陈光中：改判死缓体现了法治精神], *Xinlang Guancha* [新浪观察], December 24, 2003, <http://news.sina.com.cn/c/2003-09-02/15031662209.shtml>.
2. On the impact of populism on the judiciary today, see Benjamin Liebman, “China’s Courts: Restricted Reform?,” *China Quarterly* 191 (2007). On populist conceptions of criminal trials in the early decades of the People’s Republic of China see Jerome A Cohen, *The Criminal Process in the People’s Republic of China, 1949–1963: An Introduction* (Cambridge, MA: Harvard University Press, 1968).
3. For more information on the so-called “Three Supremes” doctrine, see Jerome A Cohen, “Body Blow for the Judiciary,” *South China Morning Post*, October 18, 2008, available at http://www.cfr.org/publication/17565/body_blow_for_the_judiciary.html?breadcrumb=%2Fbios%2F14%2Fjerome_a_cohen; Wang Shengjun [王胜俊], “Shenru guanche luoshi dang de shiqi da jingshen, zhashi zuohao renmin fayuan gexiang gongzuo” [深入贯彻落实党的十七大精神, 扎实做好人民法院各项工作], *Qiushi* [求是], 485 (2008), <http://www.qsjournal.com.cn/qs/20080816/GB/qs%5E485%5E0%5E1.htm>.
4. Yang Jia said he had been accused of “not standing properly in line” (不好好排队). See “Sharenzhe Yang Jia

- qingchun dang’an” [杀人者杨佳青春档案], *Southern Weekly* [南方周末], July 18, 2008, <http://news.163.com/08/1126/12/4RM5T1GE00011SM9.html>.
5. *Ibid.*
6. It led to her being put in administrative detention once in March 2008, after seeking to speak to a National People’s Congress representative.
7. *Southern Weekly*, supra n. 4. This article also mentions that Yang’s defense lawyer, Xie Youming, felt that he could “fully understand” Yang after talking to him, but that he thought he should not explain further as the fact alleged by his client “awaited verification.”
8. Yang Jia’s verdict in the first instance describes the events of July 1, 2008 in great detail. See Shanghai No. 2 Municipal Intermediate Court, Criminal Verdict [上海市第二中级人民法院《刑事判决书》], No. 99 (2008) [(2008)沪二中刑初字第99号], September 1, 2008, http://crd-net.org/Article/Class3/200809/20080912235315_10562.html.
9. *Southern Weekly*, supra n. 4.
10. *Ibid.*
11. The expression was also made famous by the film *The Story of Qiu Ju* (秋菊打官司). The expression “give me an explanation” (*gei wo yi ge shuofa* [给我一个说法]), the same that Yang Jia used, is consistently translated as “give me an apology” or even “give me justice” in English versions of the film. For a critical discussion, see Xudong Zhang, *Post-socialism and Cultural Politics: China in the Last Decade of the Twentieth Century* (Durham, NC: Duke University Press, 2008), 297. The English word “explanation” does not have sufficient evaluative content to capture *shuofa*; it can mean “an explanation of why we did something we don’t acknowledge to be wrong, but don’t defend as right either.” This does not capture what Yang Jia is getting at. As Zhang points out, the translation as “apology” or “justice” is also not without problems.
12. “Youxiu geming chuantong gequ lianzhan: xuexi Yang Jia hao bangyang” [优秀革命传统歌曲联展：《学习杨佳好榜样》], http://freshrain.7.forumer.com/a/_post1375.html.
13. The satirical poem was circulated in many different versions, and a video clip was also promptly made available on YouTube, <http://www.youtube.com/watch?v=awRHNvHzlqY>.
14. *Southern Weekly* carried the earliest (and very detailed) report on Yang Jia’s case as it had developed until then on July 18, 2008, supra n. 5.
15. Prominent human rights lawyer Li Heping [李和平] estimates that 400 million Chinese must have been following Yang’s case. Li Heping [李和平], “Yang Jia an; Zhongguo de gongminmen lidang yousuo qidai—zhengge sifa tizhi wei

- Shanghai Zhabei gebie weifa jingcha bei shu, zhi ma?" [杨佳案 中国的公民们理当有所期待——整个司法体制为上海闸北个别违法警察背书, 值吗?], September 5, 2008, <http://www.chrlcg-hk.org/?p=318>.
16. Author interview (October 2008); "Sharen xiongfán Yang Jia ceng bei Shanghai e jing da de bu neng shengyu" [“杀人凶犯” 杨佳曾被上海恶警打得不能生育], *New Century News* [新世纪新闻网], July 3, 2008, <http://www.newcenturynews.com/Article/china/200807/20080703235757.html>.
 17. Liu Xiwei [刘锡伟], "Zai yishen panjueshu zhong women faxian xaxie youguan Yang Jia huan you jingshen bing de liyou he genju" [在一审判决书中我们发现那些有关杨佳患有精神病的理由和根据], September 29, 2008, <http://liu6465.fyfc.cn/blog/liu6465/index.aspx?blogid=393055>.
 18. "Wangshang 'Yang Jia yin zai pancha zhong zao ouda sang-shi shengyu nengli' shi yaoyan" [网上“杨佳因在盘查中遭殴打丧失生育能力”是谣言], *Shanghai Evening Post* [新闻晚报], July 7, 2008, http://news.xinhuanet.com/legal/2008-07/07/content_8504607.htm.
 19. In Yang Jia's trial of the second instance the prosecution produced an eight-minute audio recording of his interrogation containing no evidence of beatings; the defense countered that eight minutes was patently not enough and that Yang Jia might still have been beaten. Fang Hua [方华], "Yang Jia xi jing an ershen bianhu lüshi kanfa butong" [杨佳袭警案二审辩护律师看法不同], *Radio Free Asia* [自由亚洲电台], October 13, 2008, <http://www.rfa.org/mandarin/yataibaodao/yangjia-10132008115536.html>.
 20. Pan Gaofeng and Xin Wenke [潘高峰和忻文珂], "Shanghai xi jing an fanzui xianyiren Yang Jia bei yifa tiqing jiancha jiguan pizhun daibu" [上海袭警案犯罪嫌疑人杨佳被依法提请检察机关批准逮捕], *Xinmin Evening News* [新民晚报], July 7, 2008, http://news.xinhuanet.com/legal/2008-07/07/content_8503557.htm.
 21. *Ibid.*
 22. Liu Xiaoyuan [刘晓原], "Yang Jia de jingshenbing jian ding, chengxu yanzhong weifa" [杨佳的精神病鉴定, 程序严重违法/刘晓原律师], August 1, 2008, <http://news.boxun.com/news/gb/pubvp/2008/08/200808012235.shtml>; Li, *supra* n. 15.
 23. Further witnesses supposedly able to speak to the injury and Yang Jia's mental health were not heard at the trial in the first instance. Liu Xiaoyuan [刘晓原], "Yang Jia fuqin xiwang ershen bianhu lüshi zhuanda de hua" [杨佳父亲希望二审辩护律师转达的话], October 12, 2008, <http://pinglun.2009.blog.163.com/blog/static/78164680200891235624903/>.
 24. Robin Munro, *Dangerous Minds: Political Psychiatry in China Today and Its Origins in the Mao Era* (New York: Human Rights Watch, 2002); Robin Munro, "The Ankang: China's Special Psychiatric Hospitals," *Journal of Comparative Law* 1, no. 1 (2007), <http://www.thejcl.com/pdfs/munro.pdf>.
 25. Another lawyer named Xie Jin (谢晋) was added to the defense team in the trial of the first instance. Liu, *supra* n. 23.
 26. The *Procuratorial Daily* article's author points out that appointment of Xie Youming violates the *Lawyers Law* as well as further regulations quoted in his article. Wu Hangmin (吴杭民), "Xie Youming danren Yang Jia bianhuren, rang ren bu fangxin" [谢有明担任杨佳辩护人, 让人不放心], *Procuratorial Daily* (检察日报), July 23, 2008, http://news.paper.jcrb.com/dzb/fukan/page_23/200807/t20080723_39862.html; author interview (October 2008).
 27. Author interview (November 2008).
 28. Wu, *supra* n. 26.
 29. Author interview (October 9, 2008).
 30. Qiao Long [乔龙], "Bu man Yang Jia an anxiang caozuo, qian ren gongkai xin yu sifa gongzheng" [不满杨佳案暗箱操作千人公开信吁司法公正], *Radio Free Asia* [自由亚洲电台], September 8, 2009, <http://www.rfa.org/mandarin/yataibaodao/yangjia-09082008102538.html>; author interview (October 9, 2008).
 31. *Ibid.*
 32. Fang, *supra* n. 19.
 33. Ye Bing [叶兵], "Shanghai jingfang zhucha soucha shengyuan Yang Jia de minzhong" [上海警方追查搜查声援杨佳的民众], *Voice of America* [美国之音], October 18, 2008, <http://www.voanews.com/chinese/archive/2008-10/w2008-10-18-voa24.cfm>; Fang Yuan [方媛], "Sheng-yuan Yang Jia fangmin bei qiu hou suan zhang, Duan Huimin ershen kaiting biancheng tanhua" [声援杨佳访民被秋后算账 段惠民二审开庭变成谈话], *Radio Free Asia* [自由亚洲电台], October 16, 2008, <http://www.rfa.org/mandarin/yataibaodao/yangjia-10162008104703.html>.
 34. Fang, *supra* n. 19.
 35. Zhang Fan [张帆], "Lüshi: cong wei jian guo ruci fangsong de sixingfan" [律师:从未见过如此放松的死刑犯], *Ta Kung Pao* [大公报], October 21, 2008, <http://www.takungpao.com/news/08/10/21/ZM-977925.htm>.
 36. Fang, *supra* n. 19.
 37. Zhang, *supra* n. 35.
 38. Fang, *supra* n. 19.
 39. Dui Hua Foundation, "Welcome reduction in Use of Capital Punishment in China," *Dui Hua Human Rights Journal*,

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 42. One month after Yang Jia's execution on December 26, 2008, an SPC Judicial Interpretation suggested that death penalty execution must be halted in cases of "error of judgment." Dui Hua Foundation, "New Supreme People's Court Regulations Issued Governing Death Penalty Procedure," *Dui Hua Human Rights Journal*, December 25, 2008, <http://www.duihua.org/hrjournal/2008/12/new-supreme-peoples-court-regulations.html>.
 43. Another line in the aforementioned poem reads, "A person upholding justice can be killed but not dishonored" (义士可杀不可辱). See also "Shanghai xi jing an fansi: wei shenme hen duo ren cheng Yang Jia wei yishi" [上海袭警案反思: 为什么很多人称杨佳为义士], *China News Service* [中国新闻社], July 17, 2008, <http://news.163.com/08/0717/05/4H1GIQHF00011229.html>; "Beijing qingnian sha jing xue'an fengzi? Yishi? Yang Jia xianxiang ge jie fansi" [北京青年杀警血案疯子? 义士? 杨佳现象各界反思], *Lianhe Zaobao* [联合早报], July 19, 2008, <http://www.zaobao.com/special/newspapers/2008/07/taiwan080719n.shtml>.
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 50. *Supra* n. 12.
 51. See Wang Shengjun's proclamation of the principle of "Three Supremes," *supra* n. 3.