



THE CASE OF DR. YANG JIANLI

Two-Year Anniversary of Detention on April 26, 2004

Background

- Dr. Yang Jianli is a 40-year-old scholar and democracy activist who is internationally renowned for his efforts to promote democracy in China. He has doctoral degrees from Harvard University (Political Economy, 2001) and the University of California at Berkeley (Math, 1991) and is the Founder and President of the Foundation for China in the 21st Century.
- In 1989, Dr. Yang was actively involved in the Tiananmen Square protests and was subsequently blacklisted by the Chinese government for his efforts. He returned to the United States and has been living here since then as a legal permanent resident. His wife, Christina, and children, Aaron and Anita (ages 8 and 10 respectively) live in Brookline, Massachusetts and are all U.S. citizens.

Detention

- On April 26, 2002, Dr. Yang was detained in Kunming, China on suspicion of illegal entry. He had been observing labor unrest in the northeastern part of China and reportedly entered China on a friend's passport. In refusing to issue Dr. Yang a new passport, the PRC violated its obligations under Article 12(4) of the International Covenant on Civil and Political Rights, which China has signed (but not ratified), by denying him the right to return to his own country. The maximum penalty for illegal entry is one year in prison.
- Despite numerous entreaties from the U.S. Government and Members of Congress, Dr. Yang was held for over a year *incommunicado*, without access to counsel, and in solitary confinement, denied all access to exercise and reading materials. In addition, he was also interrogated over 100 times.

Ongoing Campaign for Yang Jianli's Release

- On June 4, 2003, the U.N. Working Group on Arbitrary Detention, consisting of representatives from Algeria, Hungary, Iran, Paraguay, and Spain, ruled in Opinion No. 2/2003, that Yang Jianli was being held in violation of international law.
- Subsequently, the U.S. State Department called for Dr. Yang's release.
- Congressmen Christopher Cox (R-CA), Barney Frank (D-MA), and Michael Capuano (D-MA) introduced H.Res. 199, calling for Yang Jianli's release. By the time it passed in a roll call vote of 412-0 on June 25, 2003, H.Res. 199 had a bipartisan group of 52 co-sponsors including Reps. Tom Lantos (D-CA), Ed Markey (D-MA), Ileana Ros-Lehtinen (R-FL), Christopher Smith (R-NJ), and Frank Wolf (R-VA).

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- Shortly thereafter, S.Res. 184 was introduced by Senator Jon Kyl (R-AZ) calling for Yang Jianli's release as well. The resolution unanimously passed the Senate on July 29, 2003, with bipartisan support including Sens. George Allen (R-VA), Sam Brownback (R-KS), Barbara Mikulski (D-MD), and Rick Santorum (R-PA).
- On August 4, 2003, Yang Jianli was finally put on trial for illegal entry and espionage for Taiwan in the Beijing People's Intermediate Court in trial closed to all outside observers. Since then, no verdict has been issued.
- On March 12, 2004, Yang Jianli's family submitted a Petition to the National People's Congress protesting Yang Jianli's illegally prolonged detention.

Key Talking Points

- Dr. Yang has a wife and two young children (Aaron, age 8, and Anita, age 10). His father is 92-years-old and is in ill health. He has spent almost two years in prison – including the first year *incommunicado*, in solitary confinement, denied all access to exercise and reading materials. He has been punished enough.
- Despite Chinese protestations that Yang Jianli's case is being handled “in full accordance with the law”, he has been detained for almost two years and is now being detained, once again, in violation of Chinese and international law.
 - According to Article 168(1) of China's Criminal Procedure Law, a court has a maximum of two and one half months from the date it accepts a case to render a verdict in the matter. The exceptions in sections 2-3 do not apply to this case. Yang Jianli's Chinese lawyer has been told by both the court and the detention center at the Supreme People's Procurate that this time period expired on December 1, 2003.
 - In June 2003, the National People's Congress resolved to put an end to the “chronic disease” of illegally prolonged detention. According to *Progress in China's Human Rights Cause* (2003), a report issued by the PRC on April 1, 2004, the Chinese Government corrected 25,736 cases. In addition, the report touts the “strict system for investigating and dealing with extended detention.” Despite the general progress, however, Yang Jianli's case is a high-profile and exceptionally disturbing counter-example. The “special telephones and e-mail addresses for handling reports on extended detention” put in place to “strengthen public supervision” have been worthless. The Petition submitted by Yang Jianli's family on March 12, 2004, has been completely ignored.
- Yang Jianli is being held despite ongoing protests from the United Nations, U.S. State Department, U.S. House and Senate, and Members of the European Parliament. The case is not going away and has the potential to impact U.S.-China relations the longer it goes on.

For more information and copies of all primary materials, please see:
<http://www.freedom-now.org/jianli.php>

or contact Jared Genser at (202) 861-6436