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Congress of the United States
House of Representatives
Washington, DC

March 12, 2003

Mr. Louis Joinet
Chairman, Working Group on Arbitrary Detention
Office of the High Commissioner for Human Rights
United Nations, Geneva
8-14 Avenue de la Paix
1211 Geneva 10 Switzerland

Dear Mr. Joinet:

I write to ask for your assistance in the case of Dr. Yang Jianli, who was detained in Kunming, China on April 26, 2002 and since that time has been held, contrary to Chinese law, *incommunicado*, without access to an attorney or family members.

Dr. Yang is a leading scholar of Chinese democratic constitutional theory and a persistent advocate for democracy and rule of law in China. Dr. Yang, his wife, and two young children, are constituents of mine from Brookline, Massachusetts.

Over the past year, many of my colleagues in both the U.S. House of Representatives and the U.S. Senate have been advocating for the release of Yang Jianli. China is a great and powerful nation, and it has nothing to fear from an individual with whom it disagrees, even if he did enter the country illegally. It is worth noting, however, that China had "blacklisted" Dr. Yang and refused to renew his passport rendering him unable to return home. As you know, this is a violation of China's obligations under Article 12(4) of the International Covenant on Civil and Political Rights which states "[n]o one shall be arbitrarily deprived of the right to enter his own country." I should add that Dr. Yang did not do this to make money, or cause harm to anyone or for any other wrong purpose. He did it because of his idealism, because he believes that people should have a say in how their lives are organized and the direction in which their country should go.

It should be possible for China to disagree with this idealism and not lock Dr. Yang up without recourse to the legal system or the comfort of news from his family.

I believe China would enhance its role in the world -- and increase its influence and the respect people have for it -- if it were to drop the excessive repression it carries out, such as in the case of Dr. Yang. I strongly hope the Working Group will be able to render an opinion on Dr. Yang's detention during its upcoming session in May that will help move

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China in that direction by increasing pressure on them to comply with its basic obligations under Chinese and international law.

A large, bipartisan group of Members of Congress have written to Chinese officials to obtain additional information about Dr. Yang's condition and the status of the case, and have received nothing beyond an initial reply last May that the case was being investigated. I'm attaching copies only of the letters in which I was involved to share with you the tremendous interest that continues to exist within the U.S. Congress regarding Dr. Yang's detention.

Barney Frank
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