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China vs. dissent

By Jared Genser

A democrat in the dock

WASHINGTON

On July 15, Chinese pro-democracy activist Yang Jianli spent his 40th birthday in a Chinese prison. On that very day, his wife, Christina, and their two young children, Aaron and Anita, spent over an hour outside the Chinese Embassy in Washington trying to persuade a faceless security guard, through locked doors, closed curtains and a small speaker, to accept a hand-drawn birthday card to deliver to him in prison. Their quest ended in vain.

For the first time since the Tiananmen Square massacre in 1989, the United States this year did not offer an annual UN resolution condemning China for human rights abuses. In exchange for this significant concession, Washington asked Beijing to complete such simple tasks as reviewing the sentences for some political prisoners and permitting regular visits by UN reporters.

Despite Chinese assurances that these and other moves were forthcoming, there has been little progress since these commitments were made in April.

To be fair, China has been somewhat preoccupied. Between the cover-up and then blow-up over SARS and the march of some 500,000 people in the streets of Hong Kong to protest proposed restrictions on free speech, China has been under increasing pressure from its own people, who are demanding further openness, transparency and reform of their government. Yet despite exceptionally vocal internal as well as external pressure, China's response is simultaneously opaque in process and transparent in intent.

A telling illustration is the case of Yang Jianli. A Chinese citizen with permanent U.S. residency, Yang is the president of the Foundation for China in the 21st Century, a Boston-based policy institute that promotes democracy in China. He first came to the United States in 1986 to attend college and earned doctoral degrees from the University of California at Berkeley and Harvard University.

Almost 15 months ago, Yang, who had been blacklisted by China after Tiananmen Square, made a fateful decision to return to his country. He heard about the labor unrest in northeastern China and wanted to observe it for himself.

After being detained on suspicion of illegal entry, he was held incommunicado for over a year and denied access to a lawyer, family, friends, and everyone in the outside world. China's response to escalating complaints from around the world was simple. By stridently insisting its actions were in accordance with its own and international law, China believed it could make it so. Yet China's motives were clear for all to see — it wanted to silence a prominent pro-democracy activist.

This past June, the UN Working Group on Arbitrary Detention, consisting of representatives of five different countries including Algeria and Iran, found that China was violating its own and international law by continuing to detain Yang.

Despite the embarrassing rebuke, China condemned the decision and again insisted its actions were in accordance with its own and international law. These public statements provoked a further condemnation from the State Department. A short time later, the House of Representatives, in an unusual display of unanimity in these partisan times, voted 412-0 to call on China to release Yang.

China last week indicted Yang for espionage and illegal entry. China uses the spying allegation to try and discredit its most vocal critics. Yet here, the spying charge focuses on Yang's work to promote the "Three Principles of the People": democracy, human rights and welfare. Of course, he will face these charges at a closed trial because of the allegation that "state secrets" are involved.

Contrary to its belief, China has nothing to fear from Yang Jianli. He is an incredibly talented scholar who represents the best that China has to offer.

And he is but one of many Chinese who want to build democracy in their country. For China to develop to its full potential, it needs to learn how to constructively engage with those who disagree with the government's approach.

Yang Jianli may stand trial as early as Monday. Despite the closed trial, China should know that the results will be transparent for all to see.

As a result, it should not miss the opportunity to surprise international observers and actually render a verdict that is consistent with its rhetoric. It should free Yang Jianli.

The writer is president of Freedom Now and a legal adviser to Yang Jianli and his family.