

The Washington Times

FRIDAY, APRIL 25, 2003

By Jerome A. Cohen
and Jared Genser

Last April 26, Yang Jianli, president of the Boston-based Foundation for China in the 21st Century, holder of Ph.D.s from both Harvard and Berkeley and husband and father of three attractive American citizens, was detained by China's police. He has not been heard from since. One year later, Mr. Yang remains incommunicado in a Beijing detention cell, arrested on charges of having illegally returned to China using a false passport.

Although the maximum sentence under Chinese law for illegal entry into the country is one year, Mr. Yang has not even been indicted yet, and is still completely cut off from defense counsel, family, friends and American diplomats, all of whom are deeply concerned but kept in the dark about the fate of this U.S. permanent resident. Despite ceaseless efforts to contact Mr. Yang to elicit information about him from Chinese law enforcement agencies and to goad them into complying with China's criminal procedure law, it seems that nothing more will be known until the Ministry of State Security, which is modeled on the Soviet KGB, completes its investigation in its own good time.

How did this happen? In his youth, Mr. Yang was a loyal member of the Communist Party. But over time, he became increasingly disillusioned with the repressiveness of the Chinese government and left China to

traveling in China for eight days, he was detained.

One year later, the Chinese government has not formally charged Mr. Yang with any crime; it has not permitted him access to his lawyer; it has not allowed him to communicate with his family, friends or indeed anyone in the outside world; and it has not respected the time limits legally prescribed for detention and arrest. In fact, there has not even been any formal confirmation of where he is being held. The only response of the Chinese government is that it is investigating the case and suspects him of illegal entry and "other crimes." For Christina Fu and their two children, it is as if Mr. Yang has disappeared from the face of the earth.

The U.S. government has been very involved in the case. Senior officials at the State Department and some 50 senators and members of the House have raised the case repeatedly with Chinese officials, requesting basic information about Mr. Yang's health and welfare and urging that the case be resolved. Most recently, a bipartisan group of 12 members of Congress, including Reps. Christopher Cox, Barney Frank, Tom Lantos and Christo-

pher Smith, introduced a resolution in the House calling for Mr. Yang's release. Thus far, all of these entreaties have yielded nothing.

Sadly, Chinese investigators have managed to take what could merely have been an illegal-entry case and transformed it into another example of their inability to respect the rule of law, adding another unnecessary irritant to Sino-American relations. The Chinese government should know it has nothing to fear from Mr. Yang. He is a talented and respected scholar who represents the best that China has to offer. He is one of many Chinese who want to take part in the political reforms that China needs to match its impressive economic and social progress. For China to develop its full potential, it needs to constructively engage with those whose political views are more advanced than the current government. The first step should be to free Yang Jianli.

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Tyranny in China The ongoing quest to free Yang Jianli

study at Berkeley. After returning to China to help support students in Tiananmen Square and personally witnessing the massacre of June 4, 1989, he resumed his American graduate program and committed himself to the democracy movement in China.

By the time Mr. Yang obtained his Ph.D. from Harvard's Kennedy School of Government, he was granted U.S. permanent residence under a special program for Tiananmen Square activists. Yet, Mr. Yang wanted to return to his motherland, but was repeatedly denied re-entry and renewal of his Chinese passport. He was even twice refused entry into Hong Kong, which ignores the requirement of the International Covenant on Civil and Political Rights that "no one should arbitrarily be deprived of the right to enter his own country."

Finally, after a dozen frustrating years in forcible exile, Mr. Yang made the fateful decision to return to the country that he loves by using a friend's passport. He had heard about the labor unrest in northeastern China and wanted to observe it for himself, as well as renew ties with relatives and friends. After