

Family Petition Regarding the Illegally Prolonged Detention of Yang Jianli

To the Standing Committee of the National People's Congress:

In June 2003, the Judicial and Internal Affairs Committee of the Standing Committee of the NPC, resolved to put an end to the “chronic disease” of illegally prolonged detention. Accordingly, the Supreme People's Procuratorate, the Supreme People's Court, and the Ministry of Public Security undertook last year to resolve all outstanding cases of illegally prolonged detention and adopted measures designed to prevent new cases from occurring. We applaud these efforts as being significant steps on the path to rule of law and the respect and protection of human rights. However, there is one case of illegally prolonged detention in Beijing that has not yet been resolved, which we, as family members of the suspect, now respectfully draw to your attention.

Yang Jianli, a Chinese citizen and U.S permanent resident, was tried in a three-hour closed trial in the Beijing No. 2 Intermediate People's Court on August 4, 2003 for espionage and illegally crossing the national boarder. He has remained in detention since he was first taken into custody April 2002, and a verdict has yet to be announced in his case. As you are undoubtedly aware, the United Nations Working Group on Arbitrary Detention concluded that Dr. Yang was being arbitrarily detained in June 2003 and requested that the Chinese government remedy the situation as soon as possible. Yet, Dr. Yang remains in detention.

According to Article 168, section 1, of the Criminal Procedure Law, a court has, at a maximum, two and one half months from the date it accepts a case to announce a judgment in the case. The exceptions to the two-and-one-half-months requirement set forth in sections 2 and 3 of Article 168 have no bearing on Dr. Yang's current detention status. According to records from the office responsible for prisons and detention centers at the Supreme People's Procuratorate, since December 1, 2003 there has been absolutely no legal basis for Yang Jianli's detention. Consequently, he is being held in illegally prolonged detention.

In accordance with Article 41 of the Constitution, which provides that citizens of the P.R.C. have the right to make suggestions and expose violations of the law, we respectfully request that the Standing Committee exercise its powers under Article 71 of the Constitution and appoint a special investigative committee to conduct an independent and impartial investigation regarding the reasons behind Yang Jianli's ongoing illegally prolonged detention, so that Yang Jianli's case be resolved timely, fairly and legally.

Respectfully submitted,

Yang Jianli's family members:
Yang Feng Shan, father, Chinese citizen
Li Jing Xiu, mother, Chinese citizen

Yang Jian Jun, brother, Chinese citizen
Yang Jian Rong, sister, Chinese citizen
Yang Jian Guo, sister, Chinese citizen
Yang Jian Hua, sister
Fu Xiang (Christina), wife
Aaron Yang, son
Anita Yang, daughter

2004. 3. 12