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# PRISON IS A DIFFERENT KIND OF LIFE

By Yi Ping

*In 2002, after 13 years of exile, Yang Jianli returned to China to investigate the rights defense movement. He was arrested for using a fake passport and not released until April 27, 2007, after serving a five-year sentence. Ren Yu Ren Quan editor Yi Ping interviews Yang Jianli on his prison experience, the effect on his family, and his advice for other political prisoners.*

**Yi Ping (Yi):** First of all, I want to congratulate you on your return to the U.S. and on being reunited with your family after suffering so much during your five years in prison. The ambiguity that marks China's authoritarian system is well known to everyone. By going back in 2002, weren't you leaping right into the net? Can you say something about why you went back? What were your thoughts when you were arrested and sent to prison; for example, how long did you think the sentence would be? What kind of interrogation or mistreatment did you expect?

**Yang Jianli (Yang):** At the time, the labor movement was on the rise, especially in the northeast. It seemed to me to be part of a great trend, the start of a movement in China of people protecting their own rights and interests. My sense that I needed to go back was very strong. I felt I couldn't do otherwise.

Around 2000, I had come to the end of a certain stage in my own academic pursuits and in my work. I had written some essays on the nonviolent resistance movement. Then, when the Chinese labor movement started, especially in the northeast, I felt that this trend would set off a chain reaction, something the facts later bore out. The *weiquan* movement<sup>1</sup> took off nationally and more and more *weiquan* lawyers joined in. So it was time for me to go back. To be more specific, I had three goals for going back at the time:

First, it was illegal for me to enter China—I had no passport. After 1989, the Chinese Consulate refused to renew

my passport. Going back this time, I had to use illegal means to highlight nonviolent resistance: there's no reason for you not to allow me back, so I will use illegal means to resist. Citizens resist evil laws "unlawfully," while voluntarily accepting the imposition of legal sanctions at the same time. This is Gandhi's "civil disobedience."

Also, I was very concerned about the labor movement and had a lot of contacts in the movement around the country. I wrote several essays on nonviolent resistance especially for them, at their request. I needed to investigate the Chinese labor movement, to understand it for myself, to be part of it and to have real contact with the workers.

Furthermore, by returning myself, I hoped to encourage others to return and be involved in the democracy movement. There are a lot of dissidents overseas who are prevented from returning, but who can only truly fulfill their potential by returning to China. We have to break through the government's barriers and return to our own country.

**Yi:** Your taking the risk to return to China was actually very rational then. One could say it was the result of careful consideration.

**Yang:** My plans were very carefully laid, from entry to exit. I was prepared for a number of contingencies. I assessed the possibility of my being arrested on my return to be minimal. And, if I was caught, I didn't think I would be imprisoned for more than two or three years, maybe only one or two. I hoped I would get in, and get out, smoothly.

**Yi:** How were you arrested then?

**Yang:** It was happenstance, due to a minor slip up. If that hadn't happened, I would have carried it off. During questioning they told me: "We nearly let you get away with it."

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I was arrested because I used a fake ID—which many travelers use for the sake of convenience—to stay in a hotel. In the interior I had no problem using the ID; the trouble came at the border, trying to leave. The drug trade is so rampant in Yunnan that border security is especially strict. I tried to leave from Xishuangbanna, they discovered that my ID was fake, and I was taken into custody.

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**Yi:** So you were arrested on suspicion of drug dealing?

**Yang:** Right. To start with, I denied everything, saying I didn't know the ID was a fake, that I'd had it made purely for convenience. They looked at my U.S. passport and saw that everything was in order, so they believed me. They treated me pretty well. They were ready to let me pay a fine and release me. But then they discovered my notebook and notes on my visit to the labor movement. I had notes from nearly 100 interviews. That made them suspicious and they reported to the provincial Public Security Bureau and the provincial authorities reported to the Ministry of Public Security. The Ministry looked into it and everything came out. As for being arrested, I wasn't very anxious, because I was prepared for it.

**Yi:** When you went to prison, your family, especially your parents, your wife, and your children, suffered a lot. In general, dissidents in China can endure their own imprisonment, but it is terribly hard to get past the fact of involving their family members. This is their Achilles heel. Can you say a bit about your experience and your feelings? And how you dealt with it?

**Yang:** That's a painful question, a dilemma for all prisoners of conscience. It's a double-edged sword and there's no way around it. Mature dissidents deal with going to prison because this is their personal choice; but their families suffer because they are implicated by association. When I got out of prison, I saw a number of comrades who had spent time in prison, and all of them experienced this dilemma. Their deepest pain was not for themselves, but because they had involved their families. Families are subject to direct police harassment and persecution. They also experience the pain of losing friends and have financial difficulties. In addition there is social prejudice: they are unable to hold up their heads in public. It's terrible.

This is an unsolvable dilemma. What I've learned is that, since this is the case, we must do what we can to lessen the dilemma. First, in the normal course of things we must do more to explain things to our families, so that they understand our endeavors. We have to win them over and get their support. Second, as much as possible, we must be cautious in what we do and our plans must be as well-conceived as possible, in order to reduce the risks. At the same time, the community at large must be prepared to help. In this way, when someone is imprisoned, the news can get out immediately, a defense lawyer can be found and appeals can be made both domestically and internationally. Help from the outside is very important. Now that I am back, I want to set up a system to help prisoners of conscience in China. Third, we must do all we can to make prison less of a fearful place for people. Making prison into an overly terrifying place doesn't help. In general, families worry most about how their loved one suffers in prison. If they think your situation in prison is not too bad, not that frightening, they will be in a better frame of mind to deal with it.

**Yi:** While you were in prison, I often saw news of your wife, Fu Xiang: her protests, appeals, and so on. She was working on your behalf during those years. She's an impressive person!

**Yang:** She helped me pack when I left. She really wasn't happy about my going back to China, but at the same time she thought I was doing the right thing. She worked to support me. She's well-educated, strong, and

very capable. When I went to prison, the financial burdens for the family fell on her shoulders. She had to work and take care of the family, teach the children, and she had to work for my release as well, going to Congress, seeing Congressional members and staff, liaising with NGOs, constantly writing letters, making appeals in the media, protesting to the Chinese government, even leading the whole family in a hunger strike in front of the Chinese embassy.

**Yi:** As this was your first time in prison, I'd like to ask if you felt afraid right after your arrest. How did you deal with that? What were your thoughts? How did you overcome that inner fear?

**Yang:** When I actually went to prison, I realized that before I came back to China I should have sought out someone who had spent time in prison and asked them about their experience. I was prepared to go to prison and I was on my guard. I had thought a lot about what it must be like, but still, when it came to the real thing I had no experience.

When I was arrested at the Yunnan border, I wasn't afraid at first, just disheartened. I'd almost made it, just missed it. I went back in order to encourage others to return as well, but as soon as I was caught, no one else would dare to return. And I was a little curious too: you've got me, now what? I was taken from the border to Kunming, to the Yunnan Public Security Bureau where they treated me very politely: no handcuffs. From Kunming I was taken under escort to Beijing by plane. When I got off the plane, four black sedans were waiting. I was handcuffed, blindfolded, and put in a car. Then I felt afraid, because I didn't know where they were taking me or what they were going to do to me.

We were in the car a long time. Afterwards, I was locked in a nine-by-nine-meter cell. Two other prisoners were in there with me because they were afraid I might try to kill myself. I was pretty scared all this time. I didn't know whether I'd have any contact with the outside from then on. That was the most frightening thing—being cut off from the outside world, completely incommunicado, because then they can do whatever they want with you.

**Yi:** How long were you in that state of fear?

**Yang:** Not terribly long. One of the prisoners secretly told me that we were in Qincheng Prison.<sup>2</sup> Fear left and anxiety took its place. How was my family? My children? How long would they hold me? If I was locked up for a long time, would it affect my mind? Would I lose my ability to think, to speak?

**Yi:** Your lawyer was Mo Shaoping?<sup>3</sup> He's had a lot of experience defending political prisoners. Can lawyers do anything in a political case in China?

**Yang:** It was Mo Shaoping. He's an excellent lawyer and I'm really grateful to him. In the Chinese system, as far as the outcome of the verdict in a case like ours, the lawyer serves no function. We don't have an independent judiciary. But lawyers are still really important. They can help political prisoners maintain contact with the outside world. They communicate your situation and needs to the outside, and bring you news of the outside world as well—public opinion about your case and what appeals are being made. What incarcerated political prisoners fear most is losing contact with the outside. What's more, the lawyer represents the law and monitors an unjust trial. Lawyers are important to ensure the integrity of legal proceedings. He can put pressure on the judge and prosecutor. More importantly, the lawyer is a witness for history. Thus, a lawyer is still important in political cases, and political prisoners need to work well with their lawyers.

**Yi:** And, the lawyer can provide the prisoner with psychological support.

**Yang:** That's true. Seeing my lawyer brought me peace of mind. I felt like I had a link to the outside world, like I was no longer isolated, and that no matter what, they still had to observe the legal proceedings. And so, I began to plan my life in prison, to think of ways to make up for what I was losing. How I would be able to read, exercise, and write, for example.

**Yi:** You are a determined and optimistic person. I know you are a Christian. Did your faith help you overcome your fear?



Yang Jianli hugs his wife Fu Xiang as he speaks to reporters 21 August, 2007 on Capitol Hill in Washington, D.C . Photo credits: TIM SLOAN/AFP/Getty Images.

**Yang:** It did, it was very important. When I prayed, I gained an inner calm, a confidence. A lot of things cannot be seen clearly from the human angle. Take prison as an example. From a human angle it looks like very bad luck, but if we see it through God's eyes, it becomes God's way of tempering us, God's good intention and plan. If we think of it this way, prison is not intolerable; it is the fate God has provided for you. Therefore, we should rely on God, drawing support from God's vision and strength.

**Yi:** A person's attitude is important in any sort of situation. It determines how you will react to people and things around you. At the same time it also determines how others will treat you and determines what your life is like in that situation. With what sort of attitude do you think a political prisoner should approach prison?

**Yang:** I think you should be composed, act according to your usual character. You shouldn't be abject, but you shouldn't be arrogant either. In prison, you must not fall into the hero thing; never mimic heroes in movies or novels. That can really hurt you. Don't put on any act. You are who you are, an ordinary person, made of

flesh, blood, and feelings. And your convictions. You need to compose yourself and think: for the next few years, I'm going to be spending my life in prison, living each day as it comes. You have to arrange your own life as well as you can, living life to the fullest, finding some small things of value in it. If you're always thinking of yourself as a hero, you'll always be in a state of tension. No one can stand that. It will warp your mind; you may fall apart.

**If the police decide to torture and abuse political prisoners during questioning, you have to stand up to it, don't be afraid of them, maintain your protest and submit an appeal. This is the only thing that will do any good.**

**Yi:** In your experience, how should a political prisoner respond under questioning? For example, what should you say, what should you not say? When should you remain silent? How do you endure?

**Yang:** I was held in Qincheng for eight months. After that I was transferred to a detention facility. I went through over 100 interrogations. I gained some experience and I learned a few lessons.

First, you have to get rid of your fear of interrogations. Generally speaking, the police are somewhat wary of using torture on political prisoners. Political prisoners are not the same as criminals. Most of them have some knowledge of the law and the outside world is interested in them. But if the police decide to torture and abuse political prisoners during questioning, you have to stand up to it, don't be afraid of them, maintain your protest and submit an appeal. This is the only thing that will do any good.

Furthermore, you have to remain silent during interrogation. The law provides that a criminal has the right to remain silent.<sup>4</sup> Say nothing, "zero evidence." Let them proceed against you on the evidence they have. The more you say, the more likely it is to say something by mistake. Also, if you say nothing, it will reduce the length of your trial, which will otherwise be drawn out. They will fasten on what you say, have to investigate, and your trial will be delayed. As a political prisoner, the shorter your trial and your time in the detention facility, the better.

One thing I learned was that I chatted too much with my interrogators. If they can't get a confession out of you, they turn to conversation. They'll chat about anything. Also they had collected a bunch of my essays and asked me to autograph them. Well, I thought, since I wrote them, I can sign them. In fact, I should not have signed them, because then they looked for faults in the essays that had to be checked and this delayed my trial. They use this stuff to convict you.

There are a few other issues to be aware of during questioning. First, they will deliberately try to break your spirit and they are very clever about it. For example, they will say, "You're going to be here for the rest of your life." "You'll get at least ten years. Think about it, what will you be able to do ten years from now?" Second, they will use your family affections to attack you. They will say, "Your parents and your children are having some trouble, but we can't tell you anything about

their situation." Third, they try all sorts of ways to undermine your convictions. They will say: "What do you think you're doing? Look at your democracy movement types. Here you are in prison and they're out there gloating about it. They made copies of essays criticizing me and showed them to me. Fourth, they'll use all sorts of tactics to trap you into a confession. These are things you have to be on guard against during interrogation.

**Yi:** Political prisoners have to deal with the police and prison guards. These are people who mistreat prisoners on a regular basis. Can you say something about how political prisoners get along with them? How do you manage the brutality and abuse in prison?

**Yang:** First, we have to be clear about the fact that it is the Chinese authoritarian system we oppose. We must make a distinction between the system and the ordinary people who work in it. Public security, the interrogators, the guards: we need to understand them. They are human beings, they have their own problems. What they do is not necessarily what they want to be doing. Generally, it is not a given that they wouldn't get along with you on a one-on-one basis. This is their job, so they have to make their reports. You have to understand this and not get into personal rivalries with them. Don't be abject; don't be arrogant; don't be afraid of them. You also have to avoid unnecessary conflict. You set rules for yourself, that's all. Personal rivalries easily become grievances and that just adds to your troubles. Your days in prison will be that much harder.

**Democracy means defending human rights. We must bring the work of human rights to wherever we find ourselves. But we must make an accurate assessment, and grasp what is important, identifying what is achievable—something reasonable, something that will have an effect.**

Of course, you have your bottom line, and you can't go back on your principles. For example, when they torture or mistreat you, you have to stand your ground. Make an issue of it, and make a strong appeal to the

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authorities. The police and the guards are not all horrible. There are some who are quite decent. There was one guard who was very sympathetic and treated the prisoners well, especially those who were Falun Gong practitioners. Of course, there were really nasty police and guards too, who would casually insult and abuse prisoners. You can't be soft where these people are concerned. You have to resist them.

Violations of human rights are everywhere in China's prisons; they occur 24-7. We can't keep track of every instance of mistreatment or violation of human rights that happens in prisons; that would be impossible. But that does not mean we should be indifferent to illegal maltreatment there. Democracy means defending human rights. We must bring the work of human rights to wherever we find ourselves. But we must make an accurate assessment, and grasp what is important, identifying what is achievable—something reasonable, something that will have an effect. While I was in the detention facility, prisoners had to “sit the plank” everyday. Two hours in the morning and two in the afternoon . . .

**Yi:** What does that mean, “sit the plank?”

**Yang:** The prisoner has to sit up straight on a stool, facing the wall. You're not allowed to turn your head, let alone talk. No moving at all. I took this to be corporal punishment and I was determined to resist it. One day, I went to see the deputy director and told him: “Starting tomorrow I'm not going to ‘sit the plank’ anymore. You can do whatever you want about that.” He asked why. I said, “Making a prisoner hold one position without shifting for so long constitutes corporal punishment under international standards, including the UN Convention Against Torture. China is a signatory to this UN Convention. ‘Sitting the plank’ is a form of corporal punishment.<sup>5</sup> You are mistreating prisoners and this is illegal.” He was quite taken aback and said, “We'll take it under advisement.” After that, the guards abolished “sitting the plank” and replaced it with study sessions. You have to take aim at one or two instances of the huge array of abuses of prisoner human rights and compel the prison authorities to address them.

**Yi:** Were you ever punished or mistreated? How should a political prisoner respond in such cases?

**Yang:** I was beaten in prison and forced to squat in a single-person cell. I was transferred from Qincheng Prison to the detention facility and when I first got there, the police there didn't know anything about my case. The prison rule was no cold showers, but when they announced the prison rules, I didn't hear them because the announcement system was broken. So the second day I was at the detention facility, I took a cold shower. The police were furious and made me sit in a chair to reflect on what I'd done. As I sat there I began to pray. The guard noticed me mumbling. He thought I was sick and shouted at me to be quiet. But I kept praying and told them: “I have the right to freedom of religion and I have the right to pray.” That evening, four policemen came. They said, you just got here and already you're protesting. You have to be dealt with. They took me to the interrogation room, twisted my arms, forced me to the floor, and used their nightsticks on me. Afterwards, I declared solemnly to the authorities that this is torture, it's illegal, and I will take you to court. I told my lawyer about it and told him I wanted to bring charges. I wanted my lawyer and my family to announce to the outside world that I was suffering this mistreatment in prison. At first, my family didn't want to make the incident public because they were afraid there would be retribution. But I was determined. The guards saw how tough I was and were afraid to let the incident become any bigger. They apologized to me repeatedly, saying nothing of the sort would ever happen again. And it didn't.

When political prisoners encounter torture and abuse in prison, they have to insist on making an appeal, and not be deterred, and they have to see that news of it gets out. In this, neither the prisoner nor the prisoner's family can be weak.

[T]he more widely the news is circulated the better, and it is even better to have it reported overseas. Public opinion will result in pressure and pressure brings results.

**Yi:** Outside appeals are extremely important for political prisoners. Pressure has to be applied through public

and international attention before the situation of political prisoners will improve. Otherwise persecution of political prisoners can continue in the dark. But the families of many political prisoners, and their relatives and friends, are not willing to publicize the news, especially overseas. They're afraid of retribution, that additional charges will be brought and that the person concerned will face greater hardship in prison. What do you think about this?

**Yang:** My family thought this way once too. It's very natural. But it's a mistake. The prison authorities often try to scare them with: "If this gets out of hand, the prisoner's offense becomes more serious," and so on. They are just saying the contrary. They are afraid news of mistreatment will get out and be condemned by public opinion and then higher authorities might discipline them, so they want to keep the family from contacting the outside world. Therefore, the family cannot weaken. When punishment and abuses arise, they have to contact the lawyer and make an appeal. They must not be compliant; don't let them off the hook. Then make it public. The more widely the news is circulated the better, and it is even better to have it reported overseas. Public opinion will result in pressure and pressure brings results. Even when the family of an ordinary criminal makes a "fuss" in public, public opinion brings results.

**Yi:** Political prisoners and ordinary criminals are locked up together in China and prison officials often deliberately have criminals keep a watch on political prisoners. How do you think political prisoners should interact with criminals?

**Yang:** In general, criminal offenders are pretty sympathetic to political prisoners and respect them. Though these prisoners have committed a crime, most of them have been treated unjustly. Some took the criminal path because of unjust treatment in society. They are victims of the Chinese judicial system and most have received heavy sentences. Political prisoners oppose the current system, so it is natural for the criminal offenders to sympathize with them. Furthermore, these criminal offenders respect people with education.

First of all, you should not look down on them, don't look at them as criminals. You have to respect their char-

acter, not be arrogant or aloof, but treat them as equals. Then you will get along with them very easily. The majority of criminal offenders haven't received much education and they have their faults: they can be crude, or brutal. But you have to be open-minded about this. You can't give them the cold shoulder. Necessities are in short supply in prison. If you share things like food and daily necessities with regular prisoners, they will accept you as one of them. Also, you need to conduct yourself well. Criminal offenders have many bad habits, but that isn't to say they don't know the difference between right and wrong. We need to be sympathetic towards them, do something for them. When they are in trouble we should help them out. Help them get medical attention, for example, or say a word on their behalf when they are bullied by the guards.

**Yi:** I heard that you did a lot for ordinary prisoners while you were incarcerated—teaching math, logic, English, helping them with problems—all of which was really appreciated by the prisoners and by the prison authorities.

**Yang:** I began by offering a class in logic to the prisoners, using my own materials. I wanted to offer logic because I saw that they had difficulty speaking clearly about their own cases; they were not able to defend themselves. Later, I offered classes in things they had an interest in: English, economics, math, calligraphy. And I coached a basketball team so they could learn to play.

Most criminal offenders are uneducated. Add to that the fact that society looks down on them, and it's often the case that their personalities become warped. In another environment, they could see that people can live properly and develop the good side of their natures. I offered the classes because I hoped these criminal offenders could change their lives. At one point, my wife wrote saying my son wouldn't listen to her, that he wasn't doing well in school. This really worried me; I was unhappy about this. But a prison friend exhorted me: "Don't worry, you'll be able to teach your son to be good. Look at how you've changed all us adults. A child will be no problem." During my time in prison, this was the most moving thing that was said to me. Another prison friend said, "Wait 'til we get out of here. Watch what we do then."

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**Yi:** How does a political prisoner protect himself in prison? His health, physical and mental state? What was your experience?

**Yang:** As I've already mentioned, you first have to keep your composure. Since you are there you have to make the best of it. You have to order your life in prison well, make it as normal, as rich, as meaningful as possible; keep an optimistic attitude. I learned to play the guitar in prison, to sing and play; I wrote well over a hundred poems, read quite a few books, did a lot of thinking. I kept up my Bible reading and I prayed twice a day, morning and night. I even did a little evangelizing.

**Yi:** Religious faith was very important for maintaining your spirit, for your mental health.

**Yang:** The political prisoner goes to jail so that he can come out and continue his work, so he must protect his physical and mental health. In prison you first have to have a positive attitude. Keep your spirits up and your health will follow. Second, do your best to ensure you're getting the proper nutrition. The food in prison is pretty bad, but the prisoners can buy some additional food. So you have to take some care to buy those foods with high nutritional value. Third, you have to keep fit, get some exercise everyday; do what you can in the situation, push-ups and sit-ups, for example. Fourth, if you are sick you must go to the doctor and insist that you be treated. Prison is a place with utter disregard for human life. If you don't insist on being treated when you get sick, they won't pay any attention to you.

**Yi:** Thank you very much for this interview, Mr. Yang. Your experience will be extremely helpful to Chinese dissidents who are sent to prison. People say you have three doctorates: one in math from the University of California at Berkeley; one in political economy from Harvard; and now one more: one in being a political prisoner from a Chinese prison. There aren't many who have all three. I wish you all the best.

**Yang:** Thank you.

Translated by J. Latourelle

This interview took place in New York in early October 2007. To read about the perspectives and experiences of Yang Jianli's wife, Fu Xiang, see page 36.

## Notes

1. The rights defense, or *weiquan*, movement represents an increase in activities that are more internationally seen as "civil society" advocacy or political and social activism by individuals and groups on a wide range of issues.
2. Qincheng Prison is about 20 miles north of central Beijing and is where political prisoners are often detained. Other political prisoners, such as Jiang Qing, Bao Tong, Dai Qing, and Wei Jingsheng, also spent time in Qincheng.
3. Mo Shaoping specializes in defending political activists. For an interview with Mo, see "A Rights Defense Lawyer Takes the Long View," *China Rights Forum* 2 (2007):76–82.
4. Chinese domestic law does not guarantee any absolute right to remain silent. Article 93 of the Criminal Procedure Law requires a criminal suspect to truthfully answer questions raised by investigators, as well as to state the circumstances of his guilt or explain his innocence. However, the same provision also provides that criminal suspects may refuse to answer questions that are *irrelevant to their case*. Reports indicate that the issue of the right to remain silent is under discussion by the National People's Congress as a possible matter for new legislation or legislative amendment.
5. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by China on October 4, 1988, prohibits torture, which is defined, in Article 1, as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person" to obtain information or as punishment. Although the Convention does not go into specific details on the types of acts that will constitute torture or other degrading treatment, other international standards do specifically prohibit corporal punishment, including punishment that does not specifically include beatings. Further, the term "cruel, inhuman or degrading treatment or punishment" is generally interpreted by international experts so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time. See *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).