

# AMERICAN BAR ASSOCIATION

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PLEASE REPLY TO  
1800 M STREET N.W.  
WASHINGTON, D.C. 20036

June 22, 1989

Premier Li Peng  
State Council  
Beijing  
People's Republic of China

Dear Mr. Premier:

It is with high regard for the citizens of the People's Republic of China that I write to express the alarm and great concern of the American Bar Association and its more than 350,000 members concerning the recent and continuing actions taken by your government that appear to further undermine the rule of law in China. You will recall that in my May 31 letter to you, expressing particular concern about reported government attacks against citizens in Tibet, I stated that the American Bar Association in 1975 adopted a broad resolution restating our commitment to work for the rule of law in the international community and to assure the independence of lawyers and judges.

We had been heartened to observe recent positive developments in your country fostering respect for the basic principles of freedom and justice for all people. These encouraging developments came to an abrupt end, however, on May 20 with the announcement of martial law in Beijing and the subsequent exercise of sweeping military actions on June 3 and 4, resulting in the widely reported deaths of hundreds, and perhaps thousands, of people. These acts are particularly puzzling in light of the provisions in Article 35 of your 1982 Constitution providing that the people shall "enjoy freedom of speech, of the press, of assembly, of association, of procession, and demonstration."

Our concern was further heightened by the arrest and summary execution of individuals accused of crimes against property and other offenses committed during the demonstrations. Because of the existence of the current state of martial law, the summary execution of accused criminal defendants whose ability to be represented by counsel and to be judged by an impartial, civilian tribunal, has been seriously questioned, and the murder of so many of your citizens in

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Beijing and elsewhere, we are acutely concerned about the continuing treatment of other defendants. Given the fact that under Article 103 of your Criminal Code, a defendant convicted of even the most "serious crime of counter-revolution may be sentenced to death only when the harm to the country and the people is especially serious and the circumstances especially evil," and noting the extraordinary protections for the accused mandated by Articles 144-147 (and the suspended imposition provisions of Article 156) of the Criminal Procedure Code, we are troubled at the apparent violation of your own laws by the summary executions.

Because of these developments, and because the American Bar Association is professionally bound to uphold the highest tenets of the rule of law as a means to settle disputes, our Board of Governors on June 17, 1989, adopted the following resolution:

RESOLVED, that the recent actions by the Government of the People's Republic of China in using military force to suppress the civil demonstrations by its citizens calling for democratic reforms represent serious violations of human rights, justice and the rule of law, which are contrary to all internationally accepted standards of conduct for civilized nations.

Furthermore, we are urging the convenors of the World Peace Through Law Conference, scheduled for August 20-25, 1989, in Beijing to cancel or move the meeting to another country. To hold such a conference in the present situation would be most inappropriate. However, we remain committed to open dialogue, and look forward to welcoming your representatives at our Annual Meeting.

As lawyers and judges, we are trained to obtain reliable information as the only way to discern the truth and justice in a particular case. For this reason, we were horrified to watch live television broadcasts from your country showing members of the news media being harassed, and their transmitting facilities ordered to close down. We are also concerned about what we fear will be a growing forced exodus of the world's press from your great nation.

Finally, the limitations on emigration from your country recently announced appear to be squarely contrary to

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the United Nations Charter and the Universal Declaration of Human Rights. We would urge you to reconsider such steps in light of the overriding importance of demonstrating the full and open membership of China in the community of nations.

Sincerely,



Robert D. Raven

cc: Han Xu, Ambassador of the People's Republic of China to the  
United States,  
James A. Baker, III, Secretary of State  
Ren Jianxin, President of the Supreme People's Court  
Qiao Shi, Chairman Party Intelligence Department  
James Lilley, U.S. Ambassador to the People's Republic of China

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