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AMERICAN BAR ASSOCIATION

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November 3, 1992

Minister Cai Cheng  
Ministry of Justice  
San Li He  
Beijing  
People's Republic of China

Dear Justice Minister:

I am writing to you in my capacity as the President of the American Bar Association. Our Association and its more than 380,000 member lawyers have a deep commitment to preservation of the rule of law in the international community. We seek to encourage the maintenance of judicial systems which are independent from government interference, and which respect the independence of judges and lawyers in order to maintain internationally recognized standards of fairness and justice. Those objectives are embodied in a "Rule of Law Resolution" adopted by the Association's House of Delegates in February 1975.

Pursuant to that resolution, I am writing to you to express our deep concern regarding the Chinese government's interference with the right of Wang Juntao, an imprisoned advocate of democracy, to legal redress. Wang Juntao was sentenced on February 12, 1991, to thirteen years' imprisonment on charges of sedition and counter-revolutionary propaganda and incitement. The ABA sent a delegation (delegates including Jack Curtin and Sandy D'Alemberte, past ABA Presidents) to China in 1991. While there, that group specifically asked Justice Ministry representatives about the mistreatment of Mr. Wang.

According to press and other reliable reports of which we are aware, in February 1992, Wang Juntao appointed his wife, Ms. Hou Xiaotian, as his agent to pursue two separate legal actions. On March 1, 1992, Ms. Hou filed a first legal action with the Complaints and Petitions Division of the Supreme People's Procuracy and with the Lawsuits and Petitions Division of the Supreme People's Court. This legal action challenged the confiscation of property and cash from Mr. Wang in the fall of 1989. In that legal action the Beijing Intermediate Court and the Beijing High Court have held that the property was given to Wang to assist his escape from the People's Republic of China.

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On March 6, 1992, Ms. Hou initiated a second legal action. This action was against the Qincheng Prison where Mr. Wang was held after his arrest in September 1989 until April 1991. The action was filed in the Labor Reform Section of the Supreme People's Court Procuracy, Prison Procuracy Division. The focus of this complaint was that Qincheng Prison was responsible for Mr. Wang's contracting hepatitis and was then responsible for refusing to treat him or give him the necessary medicine.

Mr. Wang prepared documents to be used in both of these actions and to be given to Ms. Hou. The authorities at Yangging Prison (where Mr. Wang was transferred in September 1991 and is currently incarcerated) refused to transfer the documents Mr. Wang had prepared in these actions to Ms. Hou. We understand that Mr. Wang agreed with a request by the Beijing Municipal Procuracy to correct any factual or political errors contained in the material but the prison authorities were ordered by the Beijing Labor Reform Bureau not to implement the Procuracy's decision.

On April 7, 1992, Mr. Wang received an official explanation for this action. Yangging Prison officials told him the Supreme People's Court Research Office had ruled, according to Labor Reform Regulations Article 59, that the Labor Reform Bureau had the authority to confiscate a prisoner's letters and books.

On May 11, 1992, Mr. Wang wrote the Supreme People's Court that this ruling was wrong because the materials were legal documents not letters and that the court had exceeded its authority by overruling a decision of the Beijing Municipal Procuracy.

On August 10, 1992 Mr. Wang was told by the Beijing Municipal Labor Reform Bureau section chief that the Supreme People's Court had issued a ruling that was far more specific than the one about which he had been informed on April 7, 1992. According to this official, the Supreme People's Court had decided on March 21, 1992, that "Not a single sheet of Wang's petition material is to be handed to relatives."

We understand that Mr. Wang began a hunger strike on August 12, 1992, to protest the authorities' interference with his ability to pursue both these legal actions. After losing nearly twenty-five pounds over two weeks, we understand that Mr. Wang

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discontinued his hunger strike. The authorities continue to block his effort to seek legal redress by withholding the documents he had prepared. The denial of judicial access remains.

These facts reflect important violations of the rule of law in China. The ability of individuals, no matter how politically disfavored by the government, to seek legal redress for alleged violations of their rights is fundamental to maintaining equal justice for all and the rule of law itself.

Furthermore, the interference with Mr. Wang's right to petition the courts for legal redress is contrary to fundamental international human rights standards and does not reflect the principles set forth in the government's recently issued White Paper, "Criminal Reform in China."

The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We do not interfere in the matters of security of the state and public order; these are governmental responsibilities. Nonetheless, such concerns cannot justify the disregard of Mr. Wang's rights.

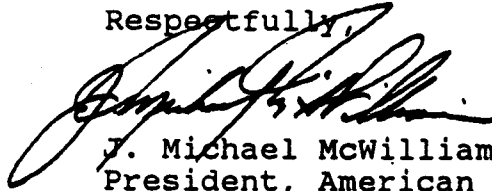
We respectfully urge the Chinese government to release Mr. Wang's legal documents to his wife and permit Wang Juntao to pursue his two claims before the Chinese courts without further interference.

Because Mr. Wang was arrested and imprisoned because of his nonviolent expression of his belief in political reform and because he is suffering a serious medical illness, the American Bar Association also urges that Mr. Wang be released pursuant to Article 60(1) of the Labor Reform Regulations which authorizes medical parole.

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Thank you for your consideration of our concerns and your attention to this important matter. We look forward to your response.

Respectfully,



J. Michael McWilliams  
President, American Bar Association

cc: His Excellency ZHU Qizhen, Embassy of the  
People's Republic of China  
The President of the United States  
The Honorable Lawrence S. Eagleburger  
Acting Secretary of State  
The Honorable Claiborne Pell, Chairman  
Senate Committee on Foreign Relations  
The Honorable Jesse A. Helms, Ranking Minority Member  
Senate Committee on Foreign Relations  
The Honorable Dante B. Fascell, Chairman  
U.S. House of Representatives Committee on Foreign Affairs  
The Honorable William S. Broomfield, Ranking Minority  
Member, U.S. House of Representatives Committee on  
Foreign Affairs