

FORM 27, 2003 7-20118 FORM DENIAL NUMBER 202, 229, 0170 FORM 1117 11-27-0

# Congress of the United States

Washington, DC 20515

June 23, 2003

His Excellency Hu Jintao  
President  
People's Republic of China

Dear President Hu:

We are writing to request the immediate release of two prisoners, Yao Fuxin and Xiao Yunliang, who were recently convicted on charges of state subversion, and to request an immediate investigation into troubling reports of police abuse against their family members.

As you may know, many of us wrote to, and a small group met with, President Jiang in January expressing our concerns over the detention of these two workers for being involved in peaceful protests. Our concerns have only increased with the lack of openness in the trial process and the poor treatment of the prisoners and their families.

The Chinese government has signed numerous international agreements expressing its commitment to human rights, free expression, and free association. We are troubled by the fact that the actions of your government appears to have not matched these pledges.

In the past year, Chinese leaders have spoken often about the plight of workers and the rights of citizens. At the 16<sup>th</sup> National Congress of the Communist Party of China in November 2002, the Party committed itself to guarantees of basic civil rights protections, promising to "ensure that the people...enjoy extensive rights and freedoms, and that human rights are respected and guaranteed."

Despite these pronouncements, it appears that Mr. Yao and Mr. Xiao were detained in March 2002 only because they organized workers to peacefully protest corruption and to receive unpaid unemployment benefits. After their detention, the two men were charged with state subversion, charges that their indictment shows were based on interviews they granted to foreign journalists, phone calls they accepted from Hong Kong-based human rights groups, and alleged attendance at meetings of the China Democracy Party in 1998 and 1999. All of these alleged activities are protected under articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed.

China has also committed itself to upholding the right to a fair trial. As you may know, however, Mr. Yao and Mr. Xiao's sentencing hearing on May 9, 2003 was held in the absence of their lawyer. In the rare occasions that the defendants' lawyer was allowed to meet with them it was often for very limited periods of time and under the supervision of the police. After a thirteen-month detention, the sentencing of the two

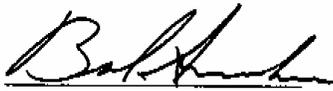
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men with such short notice without legal representation or even the opportunity to speak in their own defense raises serious concerns. We are also deeply troubled that the local authorities have used the serious issue of Severe Acute Respiratory Syndrome (SARS) as an excuse to deny the defendants access to counsel on the day of their sentencing.

Last but not least, we ask that you investigate reports of police abuse in Liaoyang city. During the hearing on May 9, Mr. Xiao's daughter reported that she was pushed into a car by police, and that a police officer struck her mother when she objected to this. This account is added to accumulating reports of police abuse of workers in Liaoyang. After Yao Fuxin's wife visited him in detention, she reported his speech was slurred, one side of his body numb, and that he told her he had been kept in leg irons during his first four days in detention. We have heard other credible reports of beatings of witnesses, and feel that this is an important matter that merits attention at the highest levels.

Thank you in advance for moving with haste to remedy these injustices. We look forward to your favorable response to our request that Messrs. Fuxin and Yunliang be released and that the harassment of their families ceases.

Sincerely,



Bernard Sanders  
Member of Congress



Chris Smith  
Member of Congress



Tom Lantos  
Member of Congress



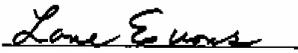
Frank Wolf  
Member of Congress



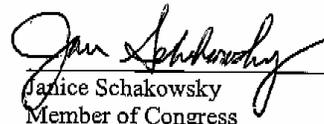
Peter DeFazio  
Member of Congress



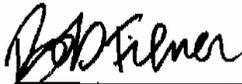
Lloyd Doggett  
Member of Congress



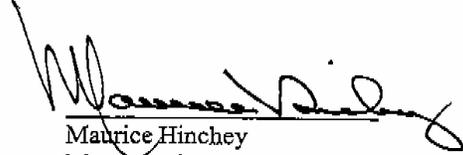
Lane Evans  
Member of Congress



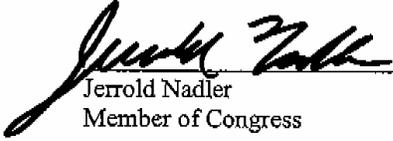
Janice Schakowsky  
Member of Congress



Bob Filner  
Member of Congress



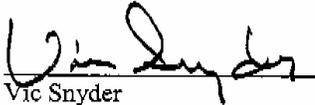
Maurice Hinchey  
Member of Congress



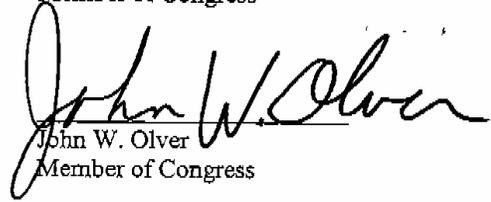
Jerrold Nadler  
Member of Congress



Diane E. Watson  
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Vic Snyder  
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John W. Olver  
Member of Congress



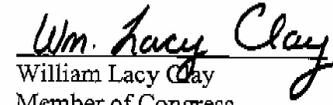
Jim Cooper  
Member of Congress



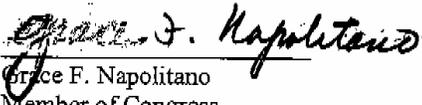
Sam Farr  
Member of Congress



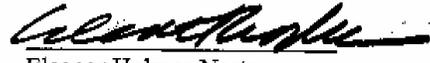
Tammy Baldwin  
Member of Congress



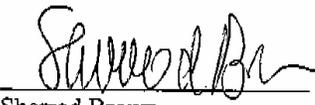
William Lacy Clay  
Member of Congress



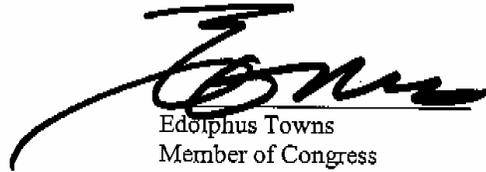
Grace F. Napolitano  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



Sherrod Brown  
Member of Congress



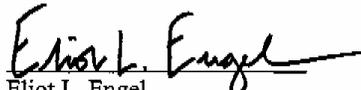
Edolphus Towns  
Member of Congress

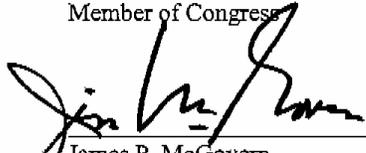


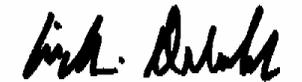
Neil Abercrombie  
Member of Congress



Michael R. McNulty  
Member of Congress

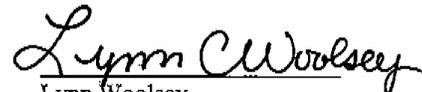
  
Eliot L. Engel  
Member of Congress

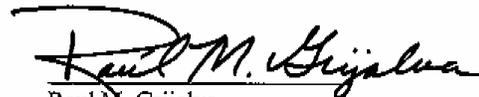
  
James P. McGovern  
Member of Congress

  
William D. Delahunt  
Member of Congress

  
Walter B. Jones  
Member of Congress

  
Jim McDermott  
Member of Congress

  
Lynn Woolsey  
Member of Congress

  
Raul M. Grijalva  
Member of Congress

  
Rush D. Holt  
Member of Congress