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Attached please find a letter for Mme. Wu Aiyang, Minister of Justice, the People's Republic of China, to the Hon. Alberto R. Gonzales, Attorney General, Department of Justice, United States of America.

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2007 MAY -3 AM 9:43
EXECUTIVE SECRETARIAT

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(Translation)

Beijing, 29 April 2006

The Honorable Alberto R. Gonzales
Attorney General
Department of Justice
Washington, DC
USA

Dear Mr. Gonzales:

I am writing to you concerning the unwarranted lawsuit filed by Falun Gong against Chinese Commerce Minister Bo Xilai at the District Court for the District of Columbia, and I wish to draw your attention to the following:

1. Falun Gong is a cult banned by the Chinese Government in accordance with the law. The Chinese government officials who handle the Falun Gong cases are performing their official duties as provided for by China's Constitution and laws. The discharge of such duties is an act of state exercised by China. According to international law and universally recognized basic norms governing international relations, the US courts have no jurisdiction over these acts. The same conclusion can be drawn from the Foreign Sovereign Immunities Act of 1976 of the United States.
2. The incident on 22 April 2004 was an outrageous assault perpetrated by Falun Gong elements on Minister Bo Xilai, which gravely jeopardized his personal safety. Minister Bo was visiting the United States as guest of the US Government, and his personal safety should have been guaranteed. Neither Minister Bo himself nor his aids ever received any document from the US court. They did not touch the object the Falun Gong personnel held and had no idea what it was.
3. In filing this frame-up case, Falun Gong attempts to disrupt the growth of China-US relations and normal visits between the two countries. The US side should be fully aware that China-US relations, especially the economic and trade ties as well as cooperation between the relevant government departments and exchange of visits, will be adversely affected if Falun Gong succeeds in its frame-up attempt. The interest of the United States will also be hurt. This is something neither of

the two countries wants to see.

Chinese President Hu Jintao has recently paid a successful visit to the United States, during which he and President Bush reached important agreement on advancing in an all-round way a constructive and cooperative China-US relationship in the 21st century. Both leaders agreed that the bilateral economic and trade relations should be strengthened as China-US relations face new opportunities of growth. I hope that the US side will appreciate the gravity and harmfulness of this unwarranted lawsuit and take effective measures to resolve the case.

I have learnt that Assistant Attorney General Peter D. Keisler has recently sent a notice to the court stating that the US Government is considering participating in the case and making a submission setting forth its interest with respect to the matter. As past experience has shown, this positive step taken by the US Government will be helpful in resolving such cases. The Chinese side welcomes this step. I hope you will continue to give your personal attention to this case, make an early decision on the US government's participation in the case and promptly submit the said document to the court. To uphold the common interests of both countries, the Chinese Government proposes that the document to be submitted to the court include the following points: The unwarranted lawsuit filed by Falun Gong undermines China-US relations and interests of the US side. The banning of Falun Gong by the Chinese Government according to the law is an "act of state." Minister Bo Xilai enjoys immunity from the jurisdiction of US courts. The US Government urges the court concerned to immediately stop adjudicating the case and dismiss it.

The Chinese side requests that, in providing the said document, the US side attach the diplomatic note of the Chinese side on the case, the Chinese Government's position paper and other related documents.

Yours sincerely,

(Signed) Wu Aiying

Minister of Justice
People's Republic of China

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冈萨雷斯

司法部长

美国司法部

华盛顿 哥伦比亚特区

亲爱的冈萨雷斯先生:

我谨就“法轮功”在美国哥伦比亚特区联邦地区法院诬告中国商务部薄熙来部长案向您致函，并愿说明:

一、“法轮功”是被中国政府依法取缔的邪教组织。中国政府公职人员根据宪法和法律所赋予的职权处理“法轮功”问题，是履行其公务职责，是中国行使国家主权的行爲。根据国际法和公认的国际关系基本准则，美国法院无权管辖上述行爲。即使根据美国一九七六年《外国主权豁免法》，此种行爲也不应该受美国法院司法管辖。

二、二〇〇四年四月二十二日发生的事件，实质上是“法轮功”派人袭击薄熙来部长，严重威胁薄部长人身安全的恶性事件。薄部长作为应美政府邀请访美的客人，其人身安全应得到保障。薄部长本人及随行人员从未接到任何美国法院的文书，他们根本

没有接触“法轮功”人员所持物品，也不知其为何物。

三、“法轮功”策划诬告案，意在干扰中美关系发展和两国正常人员往来。美方应清醒地认识到，如果“法轮功”诬告图谋得逞，必将对中美关系，特别是两国经贸关系，包括双方有关机构的合作和人员交流造成严重负面影响，也将损害美方的利益。这是中美双方都不愿看到的。

不久前，胡锦涛主席成功访问了美国，与布什总统就全面推进 21 世纪中美建设性合作关系达成重要共识，并一致认为应进一步发展两国经贸关系，中美关系面临着新的发展机遇。希望美方认清诬告案的严重性和危害，积极采取措施妥善解决此案。

我注意到，贵部助理部长凯斯勒近日已致函法院，表示美政府正在考虑派司法部官员介入此案并提交利益声明书。从以往实践看，美政府的这一积极行动，将有利于推动案件的解决，中方对此表示欢迎。希望部长先生继续关注此事，尽快确定介入此案，并向法院提交利益声明书。从中美两国共同利益出发，中方希望声明书包括以下内容：“法轮功”诬告案影响中美关系，损害美方切实利益；中国政府依法取缔“法轮功”属于“国家行为”；薄熙来部长享有不受美国法院司法管辖的豁免权；美政府敦促有关法院立即停止审理并撤销此案。

中方要求美方在提交利益声明时，一并提交中方关于此案的

外交照会、政府立场及其他相关法律文件。

顺致敬意。

中华人民共和国司法部长

吴爱英

二〇〇六年四月二十九日于北京