



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Foreign Affairs  
2170 Rayburn House Office Building  
Washington, DC 20515  
[www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)

August 26, 2016

President Xi Jinping  
The People's Republic of China  
Zhongnanhai  
Xi Chang'an Jie  
Beijing 10017

Mr. President,

We write as Members of the United States Congress to express our deep concern regarding the case of Sandy Phan-Gillis, an American citizen arbitrarily detained by the People's Republic of China for the last seventeen months. Given the systematic lack of due process in the handling of Ms. Phan-Gillis's case, we call on your government to grant her immediate and unconditional release.

As documented by the United Nations Working Group on Arbitrary Detention (UNWGAD), Ms. Phan-Gillis was detained in Zhuhai, Guangdong Province, en route to Macau on March 19, 2015, reportedly by the Nanning Municipal State Security Bureau of Guangxi Zhuang Autonomous Region. Contrary to the provisions of China's Criminal Procedure Law (Article 73), Chinese authorities did not inform her family that she had been taken into custody.

Ms. Phan-Gillis was held for six months under "residential surveillance at a designated location," a form of detention that the United Nations Committee against Torture last year called on China to abolish "as a matter of urgency" (CAT/C/CHN/CO/5 Concluding Observations on the Fifth Period Report of China). Ms. Phan-Gillis was denied access to legal counsel for well over a year. While she has been afforded limited consular access, we understand that these meetings are restricted to 30 minutes once a month and take place away from the place of her detention and under scrutiny from Chinese officials such that Ms. Phan-Gillis is not able to freely discuss issues pertaining to her treatment or her defense. All of these factors contributed to the decision by the UNWGAD to adopt an opinion in April 2016 finding that Ms. Phan-Gillis has been arbitrarily detained by the People's Republic of China and denied access to effective assistance from a legal counsel

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for her defense (A/HRC/WGAD/2016 Opinion No. 12/2016).

Ms. Phan-Gillis was criminally detained in September 2015 and her formal arrest was approved in October 2015. The Chinese government advised the UNWGAD that Ms. Phan-Gillis was arrested on suspicion of “assisting” in the theft of state secrets. When the government indicted Ms. Phan-Gillis on July 11, 2016, we understand that the government substantially upgraded the charges against Ms. Phan-Gillis to espionage under Article 110 of the Criminal Law of the People’s Republic of China. Of additional concern to us, the indictment was initially provided only to the court, not to Ms. Phan-Gillis, her defense lawyer, or her family. We understand that her legal team still has yet to be provided access to the case file containing the evidence against Ms. Phan-Gillis, which her legal team urgently needs to prepare her defense. The reported charges against Ms. Phan-Gillis raise additional questions, including whether Chinese law even applies to the crimes with which Ms. Phan-Gillis is charged, as they were allegedly carried out largely on U.S. soil.

We are further concerned by reports that Ms. Phan-Gillis has been hospitalized at least twice during her detention. She is in poor health, requiring more than half a dozen medications to be administered on a daily basis. Recent reports raise questions about possible mistreatment or even torture at the hands of Chinese authorities as the cause for Ms. Phan-Gillis’ hospitalization. In its April opinion, the UNWGAD referred allegations of torture and inhuman treatment in Ms. Phan-Gillis’ case to the Special Rapporteur on torture for appropriate action.

Mr. President, we are deeply concerned that the government of the People’s Republic of China would arbitrarily detain a citizen of the United States without indicting her or giving her access to legal counsel for her defense for over a year. We are deeply concerned that the government of the People’s Republic of China would initially withhold the indictment against her from her lawyer, and would continue to withhold from her lawyer access to the case file he urgently needs to prepare her defense. We are deeply concerned, too, about Ms. Phan-Gillis’ health and the possibility that she may have been subject to torture and/or inhumane treatment. We feel this case raises serious questions about the legitimacy of these proceedings and indeed, about the safety of all American citizens who visit China.

We strongly urge the Chinese government to immediately and unconditionally release Ms. Phan-Gillis and allow her to return to her family in the United States. If the government chooses to proceed with this case, then we insist that the Chinese government ensure full compliance with its international legal obligation to provide a fair trial, including the assurance of effective assistance from legal counsel and adequate time and facilities for preparation for trial. In addition, we ask that a full report on Ms. Phan-Gillis’ health status be provided to her family, and that until she leaves China, she be afforded regular access to her legal team and U.S. officials in an environment that is free from intimidation or threat of reprisal.

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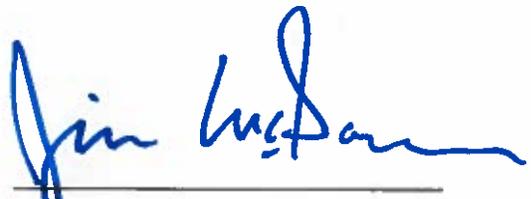
The Chinese government's handling of Ms. Phan-Gillis's case casts a shadow over the U.S.-China relationship. While we support a strong, constructive bilateral relationship and believe that cooperation between the United States and China is essential to solving many of the pressing challenges facing our two countries and the world, we believe this case must receive immediate and high-level attention so as not to derail our work together.

Sincerely,

  
ELIOT L. ENGEL  
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House Foreign Affairs  
Committee

  
EDWARD R. ROYCE  
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House Foreign Affairs  
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