



Congress of the United States
House of Representatives
Washington, DC 20515-1403

April 20, 2020

The Honorable Mike Pompeo
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Pompeo and Attorney General Barr:

I write to you today to urge you to bring a case against China to the International Court of Justice (ICJ) for its actions during the outbreak of the COVID-19 pandemic.

The International Court of Justice's role is to settle, in accordance with international law, legal disputes submitted to it by U.N. Member States. The United States has a strong case to make against China for their cover-up.

As one of nearly 200 states legally bound to the 2005 International Health Regulations (IHR), China has a duty to rapidly gather and protect information and contribute to the common understanding of public health emergencies with international implications. Article 6 of the IHR says States must provide expedited, timely, accurate and sufficiently detailed information to the WHO about the public health emergencies identified in the second annex to prevent global pandemics. Among those health emergencies are SARS and cases of human influenza caused by a new subtype. The regulations also specify that states must provide timely and transparent information as requested within 24 hours.

The Chinese state made intentional false claims to its own people and the world about the nature of the virus. In late December, when doctors and journalists tried to warn of a new coronavirus 87% similar to SARS and the emergence of "pneumonia of unclear cause," the Chinese authorities suppressed or jailed them. On December 31, the Wuhan Municipal Health Commission falsely stated there was no human-to-human transmission of the disease, describing it as a seasonable flu that was "preventable and controllable," despite contrary reports from Chinese doctors battling the virus. This prompted the World Health Organization to announce in a now infamous tweet on Jan. 14 that "preliminary investigations conducted by the Chinese authorities have found no clear evidence of human-to-human transmission of the novel coronavirus (2019-nCov) identified in Wuhan, China." China rejected repeated offers from the WHO and CDC in late January and early February to study the new disease without explanation.

Article 5 of the IHR requires States to monitor and record the "clinical descriptions, laboratory results, sources and type of risk, numbers of human cases and deaths, conditions affecting the spread of the

disease” United States intelligence agencies concluded that the Chinese regime intentionally underreported the number infected and deceased coronavirus patients. As we mentioned, the Chinese government misled the WHO and the public about the “conditions affecting the spread of” COVID-19, when it denied human-human transmission. And on January 3, 2020, the leading public health authority in China, the National Health Commission, directed all Chinese research institutions to cease publicly releasing any information related to a then unknown SARS-like virus, and ordered them to either destroy existing laboratory samples of the virus or transfer them to approved testing sites.

An epidemiological model at the University of Southampton found that had China acted responsibly just three weeks earlier, the number affected by the virus would have been cut by 95 percent.

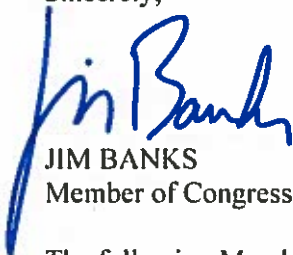
Those three weeks could be accounted for here: On December 30, Dr. Li Wenliang sounded the alarm in an online chatroom. Four days later, the Chinese Public Security Bureau forced him to sign a letter acknowledging he made “false statements.” Almost one month later, Chinese authorities were still making false assurances to the public that it was safe for large gatherings to assemble and celebrate the Lunar New Year on Jan. 25. Dr. Li Wenliang died on Feb. 7, 2020 from COVID-19.

If China fails to submit itself to a fair trial in the International Court of Justice, the Charter of the United Nations gives guidance to injured parties: Articles 49-51 explain how states could suspend their obligations to China as means to induce Beijing to fulfill its responsibility for the calamitous damages inflicted on the world. Options include China’s removal from international organizations, reversing China’s entry into the World Trade Organization, suspending air travel to China and broadcasting Western or Taiwanese media into China.

As Josh Rogin writing in the Washington Post notes, there is bipartisan consensus emerging towards the Chinese Communist Party’s role in this pandemic: “Republicans and Democrats now largely agree that the Chinese government bears responsibility for the spread of the pandemic, that it can’t be trusted on this or any other issue, and that the U.S. government should maintain a tough position on China on trade and overall, especially if Beijing again falters in its commitments.”

Please fulfill the desire of the American people to see China held accountable for their role in this pandemic.

Sincerely,



JIM BANKS
Member of Congress

The following Members of Congress have co-signed this letter:

Austin Scott
Brian Babin
W. Gregory Steube
Ted Budd
Vicky Hartzler
Bob Gibbs
Tom Rice

Jody Hice
Ron Wright
Lance Gooden
Paul A. Gosar D.D.S.
Jack Bergman
Alex Mooney
Jodey Arrington
Scott Tipton
Adam Kinzinger
Denver Riggleman
Jim Hagedorn
Rick Crawford
Elise Stefanik
Steven Palazzo