

**MEMORANDUM IN SUPPORT OF  
COMPLAINANTS' JULY 26, 2006 COMPLAINT**

**I. THE ABUSES COMMITTED BY THE DEFENDANTS CONSTITUTE TORTURE AS DEFINED IN TITLE 18 SECTION 2340.**

As the July 26, 2006 complaint makes clear *acts of torture* taking place outside of the United States are made subject to criminal penalties including fine and imprisonment under Title 18, Section 2340. The definition of “torture” that is used for this statute, and for the Convention Against Torture on which it is based, covers any “act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering . . . upon another person [under their] custody or physical control.” 18 U.S.C. § 2340(1) (2004).

Third party reports, including U.S. Department of State annual human rights country reports, Chinese official documents, and eyewitness accounts make clear that the above referenced definition of torture covers the acts committed by the Defendants.

**A. The Acts in Question Inflict Severe Mental Pain and Suffering upon the Falun Gong Detainees Whose Organs Are Removed Without their Voluntary Consent.**

It is important to understand that the organ harvesting procedures performed by the Defendants are only a part of a much more comprehensive pattern of torture abuses that are inflicted upon the complainants to force them to relinquish their spiritual and religious beliefs. The organ harvesting operations cannot be separated from the long history of prosecution and abuse that these victims are subjected to. They are only the final abuse and final stage of an ongoing system of intimidation and torture inflicted upon Falun Gong practitioners.

As the July 6, 2006 Kilgour and Matas report makes clear, Falun Gong practitioner organ donors are not patients who consent voluntarily to these medical procedures as a cure to a medical

illness or disease. Nor can they be considered prisoners who have been legally arrested, prosecuted and detained by law. They are the targets of a massive and widespread persecution.<sup>1</sup> They are also prisoners of conscience who like Mahatma Ghandi, Rosa Parks, and Martin Luther King have been subjected to unlawful arrest and detention based solely on their deeply held spiritual and moral beliefs.<sup>2</sup> Indeed, the only laws broken by practitioners of Falun Gong are those created after the onset of the persecution to provide an appearance of legitimacy to their persecution.<sup>3</sup>

In addition, they do not arrive at their final destinations in family cars and ambulances due to illness and disease, freely of their own accord. As several third party sources disclose, they arrive at the Defendants' organ transplant units of hospitals and organ transplant centers in shackles in cattle cars classified as "state enemies," who are not entitled to the rights of Chinese citizens under their Constitution. As a veteran military doctor from Shenyang military zone in Shenyang, Laioning Province told the English Epoch Times "it takes no more than a day to transfer 5000 people in a closed freight train. I have witnessed a specially dispatched freight train transferring over 7,000 people in one trip from Tianjin to the Jilin area. It ran at night, guarded by the Chinese army. Everyone on the train was handcuffed to specially designed handrails on top of the ceiling like rotisserie chickens." TheEpochTimes.com, Source Reveals Other Chinese Concentration Camps, <http://www.theepochtimes.com/news/6-3-31/39910.html> (last visited July 29, 2006).

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<sup>1</sup> See especially, sections 2, 4, 5 in their July 6, 2006 report.

<sup>2</sup> Many testimonials are available from Falun Gong practitioners who were tortured in China and now reside in the U.S, Australia, Canada and other nations indicating their status as prisoners of conscience and the ways in which they have been subjected to torture based solely on these beliefs.

<sup>3</sup> In October of 1999, for example, the People's Supreme Court promulgated a notice defining an "evil cult" as having the very same characteristics also attributed to Falun Gong by the state-run media apparatus, government bodies and Chinese Communist Party committees, thereby making it possible for Falun Gong practitioners to be brought to trial under the anti-cult law of China's criminal code.

The July 6, 2006 Kilgour and Matas report additionally make clear that Falun Gong organ donors have been subjected not only to severe torture, but also to medical procedures that chart their blood and tissue type, so that when their blood and tissue type are needed by a donor recipient, they may be sent to the appropriate hospital for organ removal.<sup>4</sup>

As frightening as an ordinary surgical procedure is for the average person, it is nearly impossible to comprehend fully the mental anguish, pain and suffering felt by those placed on operating tables in shackles, after years of torture and abuse of which the organ harvesting is only the last of a series of torture violations.

The confession of a doctor who participated in these operations indicating that insufficient amounts of anesthesia were used in the Sujiatan Hospital organ harvesting procedures, and further indicating that many practitioners were thrown into incinerators while still alive immediately after these operations, along with the information provided above offer strong evidence that the complainants have experienced the degree of mental pain and suffering contemplated by Title 18 Section 2340 of the United States Code.<sup>5</sup>

**B. Torture is the Practice Used by the Chinese Authorities to Eliminate Falun Gong.**

The decision to eradicate Falun Gong in China was first articulated by former Party Chief Jiang Zemin in his June 7, 1999 speech to the elite core of the Chinese Communist Party. This speech was sent to all provincial and city Communist Party offices, and served as the basis for the crackdown. Notwithstanding China's ratification of the Convention Against Torture on October 4, 1998, the most commonly used form of persecution perpetrated against practitioners of Falun Gong in China is torture – the application of intense and ongoing physical and

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<sup>4</sup> See, section (8).

<sup>5</sup> The doctor confessed his crimes to his wife who has reported these facts at several press conferences at the National Press Club in D.C. A copy of the transcript is enclosed herein and the tape recording is forthcoming.

psychological torture, pain and humiliation geared to coerce the individual women and men who practice Falun Gong to publicly relinquish their beliefs and denounce the practice.

Among the methods of torture used to force especially women practitioners to relinquish their belief or religion are: police beatings of female practitioners' breasts and genital areas and the rape and gang rape of female practitioners. In addition, police have stripped off their clothes and thrown them into prison cells filled with male prisoners who have then raped them. They have inserted electrical batons into practitioners' vaginas to shock them. They have bundled four toothbrushes and inserted them into female practitioners' vaginas and rubbed and twisted the toothbrushes, and hooked female practitioner's private parts with iron implements."<sup>6</sup> Women adherents have also been sent to mental hospitals where they are injected with psychotropic drugs to force them to renounce their beliefs in Falun Gong.<sup>7</sup>

Many U.S. Department of State and United Nations Special Rapporteur reports have expressed their grave concern over acts of torture, the murders and disappearances of (especially female) practitioners of Falun Gong. See, for example, Report of the Special Rapporteur of the UN, in issues of violence against women (Office of the High Commissioner on Human Rights, 57<sup>th</sup> Session, document number E/CN.4/2001/73/Add.1, at ¶¶ 15-16), where the Special Rapporteur communicated her grave concern in regard to information received concerning the alleged use of violence against women in China and in particular the ill treatment of female Falun Gong practitioners (the vast majority of Falun Gong practitioners are women). This report details the methods of torture used against women adherents. See also, the Report of UN Special

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<sup>6</sup> See, the Report of Ms. Radhika Coomaraswamy, the Special Rapporteur on Violence Against Women, (Office of the High Commissioner on Human Rights, 57<sup>th</sup> Session, document number E/CN.4/2001/73/Add.1).

<sup>7</sup> In April of 2004, the World Organization to Investigate Falun Gong investigated over 100 psychiatric hospitals in 15 provinces in China. 83% of the psychiatric hospitals that were questioned admitted that they have "accepted and treated" Falun gong practitioners and more than half of these hospitals also admitted that those practitioners had no mental problems and were admitted merely for the purpose of locking them up to force them to renounce their beliefs. WOIPFG, *Investigative Reports on the Persecution of Falun Gong* (Cambridge: June 2004), chapter IV.

Rapporteur, Sir Nigel Rodley, E/CN.4/2001/66, January 2001, at ¶¶ 237-38, and especially at ¶ 246 which states that “[p]ractitioners are said to be put under pressure to renounce their beliefs... [they] are subjected to public humiliation for their membership in Falun Gong... [m]any are said to have suffered torture or ill treatment.”<sup>8</sup>

The impact of the torture on the children of Falun Gong practitioners has been addressed by several third parties that include the Global Mission to Rescue Persecuted Falun Gong Practitioners,<sup>9</sup> as well as the reports of the Special Rapporteur on Violence against Women, the Special Rapporteur on Torture, and the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. For example, the Government of China was queried by the Special Rapporteur on the sale of children, Juan Miguel Petit, regarding the disappearance of a 4-year-old daughter of Falun Gong practitioners. The young girl was purportedly removed from her home on January 1, 2004 by four police officers from the Tongnan County, after both of her parents had been arrested because of their practice of Falun Gong. Even after her parents’ release her whereabouts are not known. In view of her age and vulnerability, the letter expresses serious concern that like her parents, she has been subjected to torture or other forms of ill treatment, or of being trafficked.<sup>10</sup>

The extent and seriousness of the torture that is targeted against Falun Gong practitioners at both the national level, and in local provinces, have also been confirmed and extensively documented by the U.S. Government in its Country Reports on Human Rights Practices, and most especially in its Annual Reports on International Religious Freedom, as well as in reports

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<sup>8</sup> The Report of the International Education Development (Commission on Human Rights, 61<sup>st</sup> Session, document number E/CN.4/2005/NGO/132, March 2005), at ¶ 3, summarizes several of these reports.

<sup>9</sup> Available at [www.tcen.org/Elizabeth/Children\\_Under\\_Persecution\\_En\\_III\\_Polished\\_cover\\_0201](http://www.tcen.org/Elizabeth/Children_Under_Persecution_En_III_Polished_cover_0201) (05-NEW.pdf) as

<sup>10</sup> See, the Report of Special Rapporteur on the sale of children, Juan Miguel Petit (ECOSOC, document number, E/CN.4/2005/78/Add.3, 8 March 2005).

issued by non-governmental human rights monitoring groups such as Amnesty International and Human Rights Watch. For example, the Annual Report on International Religious Freedom for 2001, issued by the U.S. Department of State in December, 2001, has numerous specific references to the major human rights abuses and violations being committed against Falun Gong practitioners. The report describes the crack down against the Falun Gong as tied to the Jiang regimes' efforts to control, regulate or eradicate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the Chinese Communist Party. (p. 122) It notes that "approximately 100 or more Falun Gong adherents have died in detention since 1999" (p.122); that many of their bodies reportedly bore signs of severe beatings and/or torture; that many thousands of individuals are serving sentences in reeducation-through-labor camps; that hundreds of its practitioner have been confined to mental hospitals; that there have been numerous credible reports of unrepentant Falun Gong practitioners being confined in psychiatric institutions; that police often used excessive force when detaining peaceful Falun Gong protesters, including some who were elderly or who were accompanied by small children; and that torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains) was widely reported (p. 131). The State Department Report notes that in September 2000 the Secretary of State designated China a country of particular concern under the International Religious Freedom Act for particularly serious violations of religious freedom, including its treatment of Falun Gong practitioners. (p. 133).<sup>11</sup> That was at the very beginning of

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<sup>11</sup> That practitioners are subjected to severe torture in prisons and labor camps is further corroborated by eye witness accounts of more than fifty Falun Gong practitioners who were tortured in prisons and labor camps in China based on their belief in Falun Gong. These witnesses now reside outside of China and are available to testify in person and submit additional eyewitness testimony in the form of affidavits or by phone. (A list of 40 of these eyewitnesses is attached hereto).

the campaign of persecution. Many thousands have been arbitrarily detained and tortured since then, and hundreds of thousands have died as a result of the torture inflicted upon them.

The widespread use of torture against Falun Gong practitioners detained unlawfully in labor camps and prisons has also been confirmed by several other third party reports. A particularly characteristic report is an Amnesty International report for 2001 that denounces “unfair trials,” “acts of torture,” and “imprisonment,” as a result of which at least 93 adherents of Falun Gong died.

[S]ome of the deaths were the result of ill treatment that was imposed during forced feedings, most of them reportedly died due to torture. Many, maybe tens of thousands of the practitioners are believed to be in detention by the end of the year. Many were sent to “re-education” centers and some are detained in psychiatric hospitals.

*See* AI report, 2001, at p. 1, attached hereto.

**C. The Defendants’ Acts Are Inextricably Linked to these Acts of Torture.**

All the Defendant physicians and medical personnel have been directly involved in the surgical removal of organs from detainees in their respective hospitals and organ transplant centers as surgeons who perform and facilitate the operations, and/or serve as heads of their respective organ transplant units and/or hospital divisions.<sup>12</sup>

Even if the Defendants did not themselves directly carry out acts of “torture” against the complaints, their activities played such an integral part in the campaign of torture and

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<sup>12</sup> The Chinese website available at <http://www.transplantation.com.cn/newsmain.asp?id=194> indicates that Defendant Tongyu Zhu is the Director of the Organ Transplant Research Center at Shanghai Zhongshan Hospital. His participation in organ transplant operations is documented at <http://www.transplantation.com.cn/newsmain.asp?id=204>. Documentation of Defendant Chen Zhonghua’s position as Head of the Organ Transplant Institute in Wuhan City Tongji Hospital and Deputy Director of the Chinese Medical Association Organ Transplant Division is available at <http://www.tjh.com.cn/news/zjjs/showness1111.asp?newsid=637>. Documentation of Defendant Shen Zhongyang’s role is equally well documented. All of this information is available in English upon request. Yiyang Xia, Senior Director of Research of the Human Rights Law Foundation is also available to corroborate this and all other factual statements contained in the initial complaint and supplementary submissions.

persecution against Falun Gong that they must be held accountable under criminal theories of accomplice liability, and especially that of conspiracy and command responsibility.

**1. The Persecution Comprises the Concerted Effort of All Sectors of the Chinese Communist Party, Government and Civil Society.**

As indicated above, in June of 1999, Jiang Zemin and a few members of the Standing Committee of the Politburo of the Central Committee of the Chinese Communist Party (CCP) began the nation-wide campaign to purge China of adherents of Falun Gong. Initiated at the highest levels of the Communist Party, with the former President, Jiang Zemin, issuing the initial order that banned the spiritual practice and creed, the Chinese authorities declared Falun Gong and its adherents unlawful, and began the persecution through, *inter alia*, the production and dissemination of propaganda against them -- portraying practitioners of Falun Gong as a violent and fanatical threat to humankind because of the strong support that the practice has been able to generate among its adherents and because it does not operate within Communist Party control.<sup>13</sup>

The former president of China, Jiang Zemin, by his exploitation of the Chinese Communist Party's organizing principle that the entire membership of the Party must be subordinated to the Central Committee of the CCP, used the state machinery controlled by the CCP - the army, the media, public security personnel, the police, para-military police, state security forces, judicial system, the National People's Congress, and diplomatic personnel – to launch the nationwide crackdown. The army and para-military police, all of whom are controlled by the CCP, have directly taken part in the abduction and arrest of Falun Gong practitioners. The news media in China has assisted Jiang's regime in spreading lies and smearing of Falun Gong.

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<sup>13</sup> As the distinguished Princeton China expert, Dr. Perry Link observed in “the Anaconda in the Chandelier: Chinese Censorship Today,” (in *Scholars under Siege? Academic and Media Freedom in China* ed. Gang Lin (Washington DC: 2002) (Reprinted at [www.uscc.gov/textonly/txlink.htm](http://www.uscc.gov/textonly/txlink.htm)): [I]n the 1980's the Party encouraged *qigong* as an expression of Chinese essence and a symbol of national pride. ... but in the 1990s, when some *qigong* masters decided to build their own organizations outside of Party control, the same Chinese-essence breath exercises overnight became an “evil cult” and a target for brutal repression.”

The state-security system has been exploited by Jiang Zemin personally in gathering and submitting information, fabricating lies, and falsifying intelligence. The National People's Congress and the judicial system have put on the "legal" appearance and the garb of "rule of law" to justify crimes committed by Jiang Zemin and CCP.

In a speech delivered in 2001 by the Vice Premier of China, Li Lanqing, who now figures as a defendant in criminal cases filed in among other nations, Canada, New Zealand, and Spain, Lanqing explains to an audience of party and government officials that the success of the campaign waged against Falun Gong is based upon and due to the hard work and well orchestrated effort of all segments of society – including, but not limited to police officers and security guards, judicial officers, journalists and other members of the media, scientists, academics, teachers, diplomats and many others. *See*, Speech of Li Lanqing, attached hereto.

This well orchestrated collaborative effort is further illustrated in a news article by John Pomfret, *Torture is Breaking Falun Gong*, published in the Washington Post, Aug. 5, 2001 at A01, which details how the persecution comprises a highly organized and systematic campaign of not only widespread arrests and torture by police and security personnel, but also more extensive use of brainwashing techniques and propaganda. First and foremost is use of police brutality as a method for punishing and intimidating practitioners who refused to renounce their beliefs. Second, is the more widespread and systematic use of compulsory brainwashing sessions (that include the viewing of brainwashing programs) to force practitioners of Falun Gong to abandon and denounce their beliefs. Third, an intense propaganda campaign implemented by all state-owned media in collaboration with government organs throughout China.<sup>14</sup> The organ

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<sup>14</sup> See "China's Crimes against Falun Gong," attached hereto and especially sections IV B, C, D, and F for illustrations of how government organs participated in the well orchestrated propaganda campaign. See also, sections III, IV and V, for evidentiary support of the ways in which the persecution comprised and continues to comprise all government and party committees and organs at all levels.

harvesting procedure is just the last step in the highly organized process of intimidation and persecution.

Thus, as one government advisor quoted in the Pomfret article states, “as effective as the conversion and transformation techniques have been in ‘persuading’ members to quit practicing Falun Gong...[the] high-pressure propaganda campaign against the group, has also been critical.” *See Id.* at A01. Indeed, “[e]ach aspect of the campaign is critical . . . As Chinese society turned against Falun Gong, pressure on practitioners to abandon their beliefs increased, and it became easier for the government to use violence against those who did not.” *Id.*<sup>15</sup>

More generally, the tight control wielded by the CCP over all professions in China is discussed at greater length in “China’s Crimes Against Falun Gong,” where the authors demonstrate that “[r]ather than a system of interlocking checks and balances, the Chinese system of governance is more aptly described by the Chinese “jiquan” (concentrated power government) or “yiyuan” (single source government) [where] . . . a small ruling elite holds virtually all of the important party and government titles, all important government officials play a key role in CCP committees at the same level, and where the CCP Central Committee not only sets national policy, but Central, Provincial and Municipal CCP Committees select and appoint all party officials and government officials at the level at the same level or the level just below.”<sup>16</sup>

## **2. The Defendants are Linked to the Concerted Effort Under the Principles of a Criminal Conspiracy**

The principles of conspiracy, holding a fellow-actor responsible for the actions of other participants is well accepted in U.S. criminal and international law. *See*, Nizkor.org, The Nizkor

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<sup>15</sup> The government advisor continues by referencing the impact of the self-immolation propaganda campaign as follows. The self-immolation of five purported members in Tiananmen Square on Jan. 23 was a turning point. A 12 year old girl and her mother died, and the party made the incident the centerpiece of its campaign to discredit Falun Gong. By repeatedly broadcasting images of the girl’s burning body and interviews with the others saying they believed the self-immolation would lead to paradise, the government convinced many Chinese that Falun Gong was an “evil cult.”

<sup>16</sup> This report is attached hereto. All other relevant documentation is available in Chinese and in English translation.

Project, "Nazi Conspiracy & Aggression," Criminal Responsibility of the Accused, <http://www.nizkor.org/hweb/imt/nca/nca-02/nca-02-16-responsibility-00.html> (last visited July 29, 2006).

While the crime of conspiracy is not identical in every legal system, the gravamen of the crime under U.S. and international law is the association and acting in concert for the purpose of formulating and executing a common plan involving criminal ends or means. More particularly, under U.S. law, the crime of conspiracy consists of an agreement between two or more persons involving an unlawful means or object or a combination of both. *See 20 Am Jur. Trials* 351 at section 2.

Although the roles played by the various sectors of society, professions, government bodies and party committees are necessarily different, virtually all participate in the common plan or concerted effort to use torture and other illegal means to eliminate Falun Gong from China. More particularly, the conspiracy that has been waged against Falun Gong resembles the 'hub-and-spoke' type, in which the core conspirators - the former President of China Jiang Zemin and a majority of the members of the Standing Committee of the Politburo of the Central Committee of the Chinese Communist Party (hereinafter "CCP") - recruit separate groups of co-conspirators to carry out various functions of the illegal enterprise.

To incite others to join in the common plan or conspiracy, the core members of the conspirators have disseminated certain doctrines that include the characterization of Falun Gong as a twisted religion and of its worshippers as deviant, terrorist, criminal, and most generally a threat to the stability and survival of the Chinese state. As, Joseph Gobbles noted in his 1934 Nuremberg Rally speech, "[Germany] could eliminate the Jewish danger in [their] culture only

because the people [perceived it as such] as a result of [Nazi] propaganda.” German Propaganda Archive, <http://www.calvin.edu/academic/cas/gpa/goeb59.htm> (last visited July 29, 2006).

This doctrine is conveyed by all newspapers in China, by national and local television stations. It is displayed on nationally run CCP websites and is reiterated in legal notices posted by the People’s Supreme Court and other branches of the central government. All of these co-conspirators attribute unsolved crimes to practitioners of Falun Gong, characterize psychopaths and mass murderers as Falun Gong practitioners, and characterize Falun Gong adherents as terrorists and a danger and threat to the Chinese State. Through their pattern and practice, of demonizing Falun Gong practitioners, the participants not only incite and instigate security officials in, *inter alia*, police stations, labor camps, mental hospitals to arbitrarily detain, brutally assault, torture, or exterminate those who are not “transformed” and renounce their beliefs, but have mobilized Chinese government officers and party members to participate voluntarily in the ban and persecution of Falun Gong.<sup>17</sup>

This stratagem is well illustrated by CCP instructions displayed on its China Anti Cult Association (CACA) website such as: “I say that we first define it as the terrorist. Then any measures are perfectly justified.” (Excerpted from Xinhua Net, a major Official CCP mouthpiece. See <http://www.anticult.org/article.html?id=5431>).

**a. The Defendants are responsible for acts of torture associated with organ harvesting procedures based upon their knowledge of the common plan and their voluntary participation in it.**

The hospitals no less than prisons, detention centers, courts and police are part of this well orchestrated concerted effort. As is indicated in part by Article 5 of the Ministry of Public Health, “Nationwide Hospital Regulations,” attached hereto, a Hospital President and Hospital

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<sup>17</sup> It is commonplace for each government instrumentality to republish its views of Falun Gong in the People’s Daily for all of China to read. These publications are available upon request.

Communist Party Secretary run each hospital in China to ensure that each hospital implements the policies of the Chinese Communist Party. The Communist Party Hospital Secretary in turn reports to the Provincial or Municipal CCP Committee, depending on whether the particular hospital is part of the municipal or provincial medical system. The Municipal CCP Committee reports to the Provincial CCP Committee which reports directly to the Central Committee of the CCP, at the national level. There are no gaps in the chain of command and authority in China. Those below report to those just above in the chain; those above direct and control the conduct of those just below.<sup>18</sup>

In addition, and according to several news reports, the Ministry of Health (“MH”) has hosted forum for medical experts instructing them as to the significance of the “struggle with Falun Gong.”<sup>19</sup> The Director of MH has also stated in interviews published by Xinhua News Agency the reasons why the persecution of Falun Gong is timely, necessary and of utmost urgency.<sup>20</sup>

The significant role of the medical profession in the torture and persecution campaign which includes the organ harvesting procedures is especially well illustrated on the MH website (available at [http://www.moh.gov.cn/public/open.aspx?n\\_id=606&seq=0](http://www.moh.gov.cn/public/open.aspx?n_id=606&seq=0)) where the health system’s contribution to and support of the persecution is provided in detail with example and illustration.

Finally, as is indicated in complainants’ July 26, 2006 submission, surgeons working at the hospital units and organ transplant centers run by the Defendants have admitted that organs

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<sup>18</sup> Yiyang Xia, a China expert, will provide an additional short report indicating the specific chain of command from each defendant’s hospital to the hub members of the conspiracy. He is also available to answer questions by phone, or in person.

<sup>19</sup> *The Guangming Daily* issued this report on July 25, 1999, at the very outset of the persecution. A copy of the news report is available at <http://www.gmw.cn/01gmr/1999-07/25/GB/gm%5E18128%5E2%5EGM2-2511.htm>

<sup>20</sup> Xinhua News Agency is like the U.S. “AP” and issues the news to all other national and local media in China. A copy of this document is available at <http://www.people.com.cn/item/flg/news/072512.html>

are removed from a population of practitioners of Falun Gong. This is stated directly by answers to questions like, “can I get a fresh Falun Gong organ?” “Yes, all of our organs are of this type.”

Based upon the arguments enclosed herein, it is not only clear that organ transplants, and the threat of the use of this procedure, are integral parts of the torture and persecution campaign in China. It is also clear that all physicians in China take orders from the Head of their Hospital units, who take orders from the President of the Hospital and the Secretary of the Chinese Communist Party Hospital Administrator, who in turn take orders from the CCP regarding their medical “treatment” of practitioners of Falun Gong. It is equally clear that the physician Defendants in this case participated in this practice fully aware that their patients comprise a population of Falun Gong practitioners who have been characterized by the CCP government as “state enemies” who (like all other similarly designated persons in Chinese Communist party history) are required to disavow their beliefs, confess to their purported crimes or face the ‘final solution’ – death by organ harvest procedures or other forms of torture abuse.

It strains credulity to believe that the Defendants perform or supervise these operations as ordinary hospital procedures unaware that the shackled bodies on their hospital units’ operating tables have not arrived at their final destination in the ongoing system of intimidation and torture inflicted upon all Falun Gong practitioners in China today. On the contrary, it is instead reasonable to conclude that they have performed and/or supervised organ harvesting procedures in concert with other participants in the persecution fully aware of the fact that these procedures constitute the final step in the ongoing persecution campaign against Falun Gong.

**3. The Defendants are Linked to the Concerted Effort Under the Principle of Command Responsibility.**

The principle of command responsibility, holding a superior responsible for the actions of other participants or subordinates is well accepted in U.S criminal and international law. *See, In Re Yamashita*, 327 U.S. 1, 15 (1946)).

This principle is well accepted not only in connection with acts committed in wartime, but also with respect to peacetime abuses involving civilians. *Doe v. Qi*, 349 F.Supp.2d 1258 (N.D.Cal. 2004) (citing *Hilao v. Estate of Marcos*, 103 F.3d 767, 777 (9th Cir. 1996) (hereinafter *Hilao III*)); *see also Paul v. Avril*, 901 F.Supp. 330, 335 (S.D.Fla.1994); *see also Ford v. Garcia* 289 F.3d 1283, 1288-89 (11th Cir. 2002); *see also* legislative history of TVPA in S.Rep. No. 102-249 at 9. The United States has moved in the direction of “recognizing . . . ‘command responsibility’ for torture that occurs in peacetime, perhaps because the goal of international law regarding the treatment of non-combatants in wartime—‘to protect civilian populations and prisoners . . . from brutality,’ is similar to the goal of international human-rights law” of holding those responsible for major abuses such as torture fully accountable for their actions. *Hilao III* at 777 (quoting *In Re Yamashita*, 327 U.S. at 15).

The legislative history of the Torture Victim Protection Act, 106 Stat. 73 (1992) [hereinafter “TVPA”] clearly supports the view that the principle of command responsibility applies to civilian officials in peacetime involved in human rights abuses constituting torture as well as those responsible for wartime abuses. S.Rep. No. 102-249 at 9. The Senate report explicitly authorizes liability under the TVPA for former heads of state, and other civilian state officials exercising supervisory authority over those committing torture. *Id.* at 8-9. The report specifically indicates that, in passing the TVPA, the Senate recognized that the,

Higher official need not have personally performed or ordered the abuses in order to be held liable. Under international law, responsibility for torture, summary execution, or disappearances extends beyond the person or persons who actually

committed those acts—anyone with higher authority who authorized, tolerated or knowingly ignored those acts is liable for them.

*Id.* at 9.

There are other indicators that the principle of command responsibility is not limited to military situations. For example, a supervisory official need not be a military commander in wartime in order to be held responsible for the actions of his subordinates. This is demonstrated in the *Prosecutor v. Delalic, IT-96-21-T* at ¶¶ 377-8, and other criminal proceedings emanating out of the ethnic cleansing in former Yugoslavia. In *Delalic*, the ICTY Trial Chamber held that authority figures, whether military officials or civilian, may be held criminally accountable under the doctrine of command responsibility on the basis of their *de facto* or *de jure* positions as superiors and their supervisory authority over those committing the actual abuses. *Id.* at ¶¶ 197-98; *see also Prosecutor v. Kordic and Cerkez, IT-95-14/2*, Feb. 26 2001 at ¶¶ 405-07. The Trial Chamber stated in *Kordic and Cerkez* that, in the case of a civilian leader,

evidence that an accused is perceived as having a high public profile, manifested through public appearances and statements, and thus as exercising some authority, may be relevant to the overall assessment of his actual authority . . . [and to] . . . the accused's overall behavior towards subordinates and his duties.

*Id.* at 424.

In the present case, all of the Defendants exercised supervisory authority over those committing the actual abuses, making them responsible for acts of torture and other major human rights abuses carried out by their subordinates against the complainants.

- a. **The Defendants are responsible for acts of torture associated with organ harvesting procedures to the extent that they supervised these activities.**

Command responsibility includes the notion of responsibility by omission, that is, a failure of a responsible official to prevent major abuses by his subordinates. Consequently, it is

not necessary that the superior actually commit the abuses himself. It is also sufficient if he breaches his obligation to prevent or suppress major abuses by subordinates. The clearest way for an individual to incur liability for the acts of subordinates would be for him to directly order, or to actively encourage or promote, the abuses. The Soemu Toyoda Japanese World War II military tribunal set forth “the essential elements of command responsibility for atrocities of any commander [as]: 1. That offenses, commonly recognized as atrocities, were committed by troops of his command; 2. The ordering of such atrocities.” Soemu Toyoda at 5005-06.

In the present case, the Defendants are responsible for the abuses that took place as a result of their supervisory activities in two distinct ways. First, as the Directors of major state-run facilities where organs are removed from practitioners of Falun Gong, the defendants are clearly responsible for managing, overseeing, encouraging and supporting the surgical removal of organs from practitioners of Falun Gong as well as assisting in their illegal detention in their hospital centers.

As the following subdivisions of Section XII of the Ministry of Public Health Regulations make clear, heads of clinical departments within medical facilities are responsible for the entire operation of their units which includes the responsibility to manage the medical treatment of Falun Gong practitioners detained in their departments. More particularly, subdivision (1) makes them responsible for all department medical treatment, subdivision (2) makes them responsible for the establishment and implementation of their department’s work plan, subdivision (3) makes them responsible for the supervision of all medical care provided in their department, subdivision (4) makes them responsible for regular inspection of all patient wards, subdivision (5) makes them responsible the adoption of new and innovative medical treatments, subdivision (6) makes them responsible for the implementation of hospital policy and

the prevention of accidents, subdivision (7) makes them responsible for the management of physical schedules and the improvement of medical technique, and subdivision (9) makes them responsible for staff training technical competence, promotion, transfer, and punishment of staff for illegal acts and violations.<sup>21</sup>

In these capacities, the defendants actively promoted actions designed to facilitate the surgical removal of organs from Falun Gong practitioners within their units of operations. They each exercise supervisory authority over those who develop and use these organ transplant techniques within their respective units. They are each aware of the schedules of doctors performing these operations as well as of the treatment of the patient population subjected to these surgical removals. They are aware of the conditions of patients in their unit wards; and by implication, that their patient population comprises Falun Gong detainees awaiting organ removal to meet recipient demand. As those responsible for adequate care and medical treatment in their departments, they are additionally aware of the medical procedures used to remove the organs, and the ultimate fate of the detained donor population. In some cases, and upon information and belief, their research techniques were actually used in the surgical forms of torture imposed upon practitioners of Falun Gong.

**b. In the alternative, the Defendants are responsible for acts of torture against the Complainants because they were aware that their subordinates were carrying out these unlawful abuses, and failed to take appropriate measures to prevent them.**

The Soemu Toyoda Japanese World War II military tribunal held that it is not necessary for the superior to issue specific commands of abuse in concrete cases, or to be directly involved in the acts of abuse himself. “In the absence of proof beyond a reasonable doubt of the issuance of orders, then the essential elements of command responsibility are:

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<sup>21</sup> These regulations are attached hereto.

1. . . . that atrocities were actually committed; 2. Notice of the commission thereof. This notice may be either a. Actual, as in the case of an accused who sees their commission or who is informed thereof shortly thereafter; b. Constructive. That is the commission of such a great number of offenses within his command that a reasonable man could come to no other conclusion than that the accused must have known of the offense or of the existence of an understood and acknowledged authority over the offenders to issue orders to them not to commit illegal acts, and to punish offenders. 3. Power of command. That is, the accused must be proved to have had actual authority over the offenders to issue orders to them not to commit illegal acts, and to punish offenders. 4. Failure to take such appropriate measures as is within his power to control the troops under his command and to prevent acts, which are violations of the laws of war. 5. Failure to punish offenders.

Soemu Toyoda at 5005-06.

Even if it is assumed that the defendants did not personally order or commit specific acts of torture and other major human rights abuses against complainants, they are nevertheless responsible for such acts where they had notice that the acts were taking place, they had actual authority over the offenders and could have issued orders to them not to commit illegal acts, they failed to take appropriate measures to control those participating in the torture, and subsequent to the abuses, they failed to punish the offenders.

It would be disingenuous for the Defendants to claim that they had no knowledge of the commission of torture against Falun Gong practitioners within China, at the same time that even the state-owned media in China were reporting that these atrocities had been ongoing for some time and were a regular element of the campaign of persecution. These Defendants and other unnamed participants knew that organ harvesting procedures used in their hospitals were an integral part and final step of the persecution process.

## **CONCLUDING REMARKS**

For all of the above stated reasons, the complainants through counsel ask that the United States Attorneys Office continue the investigation into the criminal responsibility of the Defendants in this matter.

Respectfully submitted,

/s/ Terri E. Marsh  
Terri E. Marsh

# **EXHIBIT 1**

# Source Reveals Other Chinese Concentration Camps

## Sujiatun is merely one of 36 concentration camps for Falun Gong in China

By an individual who identifies himself as a veteran military doctor  
Special to The [Epoch Times](#)

Mar 31, 2006

Falun Gong practitioners reenact a scene of organ-harvesting in a parade in New York City (The Epoch Times)

[Editors' Note: This report is a compilation of information provided by an individual who identifies himself as a veteran military doctor in Shenyang military zone in Shenyang, Liaoning province, China. *The Epoch Times* has only added headings. *The Epoch Times* encourages more people to give us inside information about Sujiatun Concentration Camp or other similar camps imprisoning Falun Gong practitioners. *The Epoch Times* will be discreet and careful about your personal safety.]

I am a senior military doctor in the logistics service in the army in Shenyang military zone. For safety's sake, I will not disclose my identity for now. The reports from outside China about Sujiatun Concentration Camp imprisoning Falun Gong practitioners are true, although some of the details are incorrect. The so-called underground Sujiatun Concentration Camp does exist. Organ harvesting is routine there. It is also a common practice to cremate dead or even living Falun Gong practitioners.

## Ashes Given to Families Came from Animals or Other Bodies in the Crematorium

As many state regulations have stipulated, the top level of each provincial government has the authority to establish "recycling organizations" to process felons in the military zone under its jurisdiction. This practice is warranted by a legal document that the Chinese Communist Party's Central Military Commission established as early as 1962. This practice has never stopped to this day. According to the regulations in the document, death-penalty prisoners and felons may be processed according to the development needs of the state or of socialism. During the Great Cultural Revolution, the most extreme way to process these prisoners was to use their bodies for food. The second-most extreme way was to use them as slave labor for engineering or production work.

After a 1984 amendment, it became legal to harvest organs from felons. The police and judicial departments perform organ harvesting on living prisoners before cremating their bodies. Sometimes, they will injure the prisoners in a show execution before they perform organ harvesting on the injured prisoners. They then cremate their bodies.

Since 1992, such a practice has become public. Due to the development of many related businesses, human bodies have become profitable raw materials. Living human beings, as well as dead bodies, have become industrial raw materials.

Many crematoriums in China do not actually cremate the bodies after they receive them. Instead, these bodies are transferred elsewhere through secret tunnels. In many cases, the ashes given to the families of executed prisoners came from animals or from other people's bodies. Some of the bodies given to the families were even ancient Chinese people or victims of WWII. The actual bodies are sold at high prices to many different types of state-owned factories as raw materials for different products via many different channels. Nearly all the large crematoriums in China are engaged in such underground businesses.

### **The Hospital in Sujiatun Is Only One of 36 Similar Concentration Camps All Over China**

The Chinese Communist Party has openly declared Falun Gong to be the "class enemies," turning Falun Gong practitioners into the target of its most severe suppression. In other words, the Chinese Communist Party has declared Falun Gong practitioners to be felons. The so-called hospitals in Sujiatun are but one of 36 similar concentration camps all over China. At present, the majority of detained Falun Gong practitioners are in prisons, forced labor camps, and detention centers. They are transferred elsewhere on a large scale only when special occasions call for it. Heilongjiang, Jilin, and Liaoning provinces imprison the largest number of Falun Gong practitioners. The concentration camp in Jiutai Area, Jilin Province is the 5th-largest camp imprisoning Falun Gong practitioners in China. This camp alone detains over 14,000 Falun Gong practitioners.

### **Jilin Concentration Camp, Codenamed 672-S, Imprisons over 120,000 People**

Based on information I have access to, the largest concentration camp is in Jilin Province. This concentration camp, codenamed 672-S, imprisons over 120,000 people. A large number of Falun Gong practitioners, felons, and prisoners of conscience from all over China are there, but I do not know its address.

### **More Than 10,000 People Detained in Sujiatun Concentration Camp in Early 2005**

In the so-called underground concentration camp of the Sujiatun District Hospital, there were indeed over 10,000 people kept there in early 2005, but at the present time, the number of detainees there is maintained at 600-750. Many detainees have been transferred to other concentration camps.

## **5,000 People Can Be Transferred in 24 hours by Covert Rail Routes**

It takes no more than a day to transfer 5,000 people in a closed freight train on a special route. I have witnessed a specially dispatched freight train transferring over 7,000 people in one trip from Tianjin to the Jilin area. It ran at night, guarded by the Chinese army. Everyone on the train was handcuffed to specially designed handrails on top of the ceiling like rotisserie chickens.

## **You Won't Find Any Evidence Even if You Enter Sujiatun to Investigate**

It is useless to enter Sujiatun trying to investigate the concentration camp because it is easy to transfer several thousand people.

## **CCP's Top Ranks Name Falun Gong Practitioners "Class Enemies," Useful Only to Generate Income**

One must understand that based on the latest decisions by the Chinese Communist Party's top level: The Chinese Communist Party's Central Committee agreed to treat Falun Gong practitioners as "class enemies" and to handle them in any economically beneficial manner without having to report to higher authorities. In other words, Falun Gong practitioners, like many actual felons in China, are no longer regarded as human beings, but as raw materials for commercial products. They have become commodities.

This is as much as I can tell you.

Read more about the [Sujiatun Death Camp](#) .

## **EXHIBIT 2**

## 指證蘇家屯遼寧省中西醫結合醫院大規模摘除法輪功學員器官 一條家屯事件女證人(其前夫是曾參與摘除法輪功學員器官的主刀醫生)在大紀元在國際記者俱樂部新聞發佈會的指證錄音

我的名字叫安妮(化名)，曾經是中國瀋陽市蘇家屯，透過該集中營設在瀋陽蘇家屯遼寧省中西醫結合醫院的一名員工。我主要從事統計工作，我的丈夫是該醫院的一名醫生。原諒我今天不能出席今天的新聞發佈會。因為是這幾年我一直在逃避獄口中，我的先生當決定不再參與摘除法輪功學員器官手術的時候，曾經遭到其殘酷的暗殺。

我和我的前任丈夫在1999年和2004年間在這家醫院工作，我的前夫曾經參與過摘除法輪功學員器官的手術。他是一名腦外科醫生，參與摘除法輪功學員眼角膜手術，包括部分在法輪功學員活體上摘除眼角膜。

我指證這家醫院發生了大量活體摘除法輪功學員臟器、肝臟和眼角膜等器官的駭人之聞。部分被強行摘除器官的法輪功學員的活體被秘密扔進用鍋爐房改建的焚屍爐裡。這些器官被摘除的法輪功學員中，有身體虛弱者，也有身強力壯者。因為這些人很多都是非法抓來的，這些法輪功學員沒有逮捕證，沒有身分，目前沒有人能夠存活出來。約幾千人的法輪功學員當中，相當部份的人已經被摘除了腎臟、眼角膜、皮膚後死去，並被毀屍滅跡。

瀋陽市蘇家屯區的遼寧省血栓中西醫醫院的後院，具體地址在瀋陽市蘇家屯區雲松路49號，是中國首家治療心腦血管的綜合醫院。這家醫院由遼寧省中醫學院教學醫院、瀋陽血栓治療中心等幾個機構合併而成。

我們醫院其實已經有的人知道這件事情了。但是好多人都……因為好多醫生都是秘密從事摘取這樣的手術，有的其他工作人員知道也都不敢說出。怕滅口或者是都迴避此事，被關押到這裡的法輪功學員大多數都是從瀋陽大北監獄、馬三家教養院和其他監獄轉進來的。這些學員因為不放棄修煉法輪功，而被當時沒有正式逮捕證，家屬也不知道的情況下被抓進來的。

由於中共當局對法輪功學員實施打死算白死的政策，法輪功學員的死亡對中國監獄來說不是一件十分重要的事情。

中共對法輪功的鎮壓，之前也有人員被告知這些法輪功學員是因為被殺、或者是他犯罪、其它犯罪被判死刑、或者是因為煉功而走火入魔而導致瀕臨死亡。

回憶這段是痛苦的，活體摘除的器官的價值遠遠大於已經死亡的身體，從死亡者身體上摘除的器官的價值多得很多。很多法輪功學員的器官被摘除的時候，人還沒有嚥氣。這些人的器官被摘除以後，有的人就直接被丟進焚屍爐中火化，沒有留下任何痕跡。有的器官被摘除者，醫生將刀口縫好後，請家屬或者是代理家屬簽字被火化。有的家屬完全不知道器官已經被摘除，另外這些其它地區監獄的法輪功學員本來是健康的，卻被偷偷注射一些精神藥物，導致這些人精神恍惚，而被轉到蘇家屯集中營繼續折磨，直到最後將其器官摘除後被秘密毀屍。這些器官被摘除的法輪功學員中，有身體虛弱者，也有身強力壯者，因為這幾年很多都是非法抓來的，這些人沒有逮捕證，沒有身分，真的很可憐。

我是在2003年年底的時候知道這件事情的。因為那個時候我丈夫的精神有些恍惚，他參與了這件事情，卻一直沒有告訴我，一直是秘密地進行，他在夜間經常作惡夢，非常驚恐。他曾經看著電視兩眼發呆，然後我或者孩子要是一碰到他的時候，他會大叫。我發現他很異常。這個時候我聽其他、其他的同事也提起過這件事情，因為我們衛生局裡，很多人都聯繫在一起的，我們有自己的朋友也有自己圈內的人。

那個時候已經是2003年了，從2001年鎮壓法輪功學員，到2005年已經經過了兩年多了。經過了兩年多我才知道我枕邊的人原來是這個醜陋的一個人。我真的無法忍受，我讓他把這工作給辭了。他也答應了，但是同時辭掉這工作也給他帶來了一定的危險，所以家裡人決定用出國來逃避此事。我的家人告訴我說，他說：你不知道我有多麼痛苦，因為這些法輪功學員是活的，若說從死人身體上摘除器官，這還好說，可這些人都真的還是活的。

這些事情都是秘密進行的。我們醫院參與的醫生很多是從其他醫院調過來的實習醫生。因為法輪功學員的生命得不到政府的保障，這些人的生命被當局視為不值錢，他們的身體被當局視為「垃圾」。一些醫生做了這類事情之後很痛苦。有的被調走或隱姓埋名，或者出國，有可能有的已經被滅口。

我們醫院的職工私下有的稱鍋爐房叫做「焚屍爐」。真的……有的時候想起這件事情，真的覺得很痛苦，很殘忍。醫生的職責是救死扶傷，可在這裡……

我丈夫有記日記的習慣。他在日記裡，有一篇日記是這樣寫的：當這個病人昏厥之後，他用剪刀剪開這個病人衣服的時候，從衣服的口袋裡掉出來一包東西。他打開一看是個小盒子，裡面有個圓的轉法輪。上面有個紙條，寫著：祝媽媽生日快樂。

我丈夫受了很深很深的刺激……

在中國，有很多醫院都是這樣的，沒有公開的、秘密的被摘除很多的活體。現在蘇家屯關押的法輪功學員已經沒有過去多了，但我相信摘除法輪功學員器官的罪惡還在持續。我們醫院鍋爐房幹活的這些工人，剛來的時候他們都很窮，但過了一段時間以後，他們能夠積攢一些手錶、戒指、項鍊等物的，數量還不少。醫院的職工說這些首飾和手錶都是從被摘除器官、將要丟進焚屍爐裡焚燒的學員身上扒下來的。醫院職工說，有的還沒有死亡就被丟進去燒了。這些人真的很可憐。

對不起，我這幾天一天、每天都在這種痛苦中自責，我想如果我要早一些勸說我的家人，早一些讓他們站出來也許會有很多人存活在這個世界上。我知道現在醫院還有法輪功學員被關押，我希望這個事件能夠儘快的在國際社會上曝光，能夠救活這些還沒有被殺的人，另外我也希望將事情曝光給我的親屬聽。

我本人因為無法接受前任丈夫的參與摘除法輪功學員器官的手術，我們離婚了。我本人精神上也受到了很嚴重的刺激和傷害。若不是我的前夫親口告訴我他本人參與了器官摘除的這項手術，我真的幾乎不能夠相信這件事情的存在。我本人不是法輪功學員，我也沒有那個高的覺悟站在這裡說話。但是這幾年，真的，作為一個有良知的中國人吧，我真的覺得很愧疚。

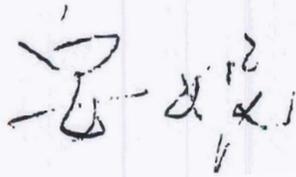
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我也曾經想把這件事情在中國說出去，但是當我在衛生廳知道好多人也知道這件事情的時候，他們的看法卻和我截然不同。他們說如果你要把事情說出去，不但你存活不了，你的親人們也不再存活在這個世界上。

這是國家的犯罪，我知道這是國家在犯罪。但憑我一個人的力量，我知道沒有辦法能夠扭轉乾坤，可是我希望有很多醫生會站出來的。我真的希望這些醫生，聽到我在這裡這樣盡心盡力的去說這件事情的時候，他們會有良知，我也希望這件事情能夠盡快的解決。我沒有指責中國，我真的沒有意思去指責中國，但是這件事情可以出他們而起。我希望你們的能夠，給有良知的人們一些好的回答吧，謝謝。

安妮(化名)  
04-14-06



The following is the transcript of the audio testimony of a female informant that identifies herself as Annie. She provided insider information about Sujiatun Extermination Camp. The audio recording of her testimony was played during a press conference by The Epoch Times at National Press Club in Washington, D.C. on April 13, 2006.

My name is Annie. I used to work for Liaoning Province Thrombosis Treatment Center of Integrated Chinese and Western Medicine. I have exposed a concentration camp hidden inside the hospital. My work had to do with statistics. My ex-husband was a surgeon in that hospital. I am sorry that I won't be able to attend today's press conference. I have been escape from the danger of assassination for the past few years. When my ex-husband decided to stop removing organs from Falun Gong practitioners, he was nearly assassinated by an organization in China.

My ex-husband and I worked in this hospital from 1999 and 2004. He had removed organs from Falun Gong practitioners. He was a neurosurgeon. He was responsible for removing cornea from Falun Gong practitioners, including living Falun Gong practitioners.

I have exposed the shocking news that this hospital removed organs, such as livers and corneas, from a large number of living Falun Gong practitioners. Some practitioners were still breathing after their organs were removed against their will, but they were thrown into the hospital's incinerator anyway. The hospital's incinerator in the boiler room was also used as a crematory oven. Some of the practitioners were frail and others were very healthy and robust. Because the police kidnapped these Falun Gong practitioners without any search warrant, they didn't have their identification with them. So far no Falun Gong practitioner can come out alive. Of several Falun Gong practitioners here, many of their kidneys, cornea and skin had been removed and their bodies had been exterminated to destroy the evidence.

Liaoning Province Thrombosis Treatment Center of Integrated Chinese and Western Medicine is located in 49 Xuesong Road, Sujiatun, Shenyang City, Liaoning Province. It is the first general hospital specializing in treating heart and cerebrovascular diseases in China. This hospital is consisted of Liaoning Province Traditional Medicine Teaching Hospital and Shenyang Thrombosis Treatment Center. It only has...

Some of the staff in this hospital knew about, but they... Many surgeons participated in such organ removal surgeries secretly. Some other staff members dared not reveal the secret even when they knew about it. They avoided talking about it because they didn't want to be killed. The majority of the Falun Gong practitioners were transferred from Dabei Prison, Masanjia Forced Labor Camp and other prisons in Shenyang. Others were kidnapped from parks or their homes. They were kidnapped because they refused to give up their belief in Falun Gong. The police didn't have any search warrant and their families didn't know it when they were arrested. Because the Chinese Communist government's state policy authorizes killing Falun Gong practitioners without any legal consequences, the death of Falun Gong practitioners in China's penal system is nothing.

During its killing of Falun Gong, the Chinese Communist Party told the involved hospital staff members that these Falun Gong practitioners were on the brinks of death because they were

assaulted, they were executed for criminal offense or they became insane for practicing Falun Gong.

It is agonizing to recall the past. The organs removed from a living human being fetch a much higher price than from a dead body. After the live organ removal, some Falun Gong practitioners were still alive and breathing, but some of their bodies were directly thrown into the crematory oven. No trace of their bodies is left. Sometimes the surgeons would stitch the openings and ask their families or representatives of their families to sign the agreement for the bodies to be cremated. Some families had no idea the organs had been removed. Moreover, some practitioners transferred from prisons were very healthy. But they were injected with psychiatric drugs that did severe damages to their central nervous system. Then they were transferred to Sujiatun Extermination Camp for additional tortures until their organs were removed and their bodies were cremated. Some of the practitioners were very frail and others were very healthy and strong. For the past few years, many of them were kidnapped without any search warrant. They didn't have any identification with them. They were truly miserable.

I knew about this at the end of 2003. At the time my husband had become absent-minded and trance-like. He had been doing it for years, but he had never told me about it. He kept it a secret. He often had terrible nightmares at night and woke up shrieking and terrified. He had stared blankly at the TV. When the kid or I touched him, he would shriek. I found him becoming abnormal. During that period of time, I overheard some colleagues talking about it because in our Healthy Bureau many people work together and our friends also have friends in this circle.

It was already 2003. It was already over two years from 2001 to 2003. It took over two years for me to find out the man sleeping next to me is such an ugly person. I really cannot tolerate it. I made him quit his job and he agreed. However, quitting the job brought him mortal danger. My family decided to run away from everything by moving abroad. My family told me, "You have no idea of my agony. These Falun Gong practitioners were alive. It would be okay if we removed organs from dead bodies, but these people were truly alive. These things were done in secret. The involved surgeons in our hospitals were actually interns transferred from other hospitals. Because the government does not protect Falun Gong practitioners' lives, their lives are regardless as nothing. The intern doctors used Falun Gong practitioners' bodies for experimentation. There were a lot of transfers in and out of our hospital. Some doctors felt very painful after they had done it. Some were transferred elsewhere. Some changed their names and moved elsewhere. Some went abroad. Some may have been killed to eliminate evidence.

The staff in our hospital secretly calls the boiler room "crematory oven." Really, I feel so painful when I think of it sometimes. It is most cruel. It is a doctor's mission to save people from death and treat the injured, but here...

My ex-husband had the habit of keeping a diary. There is an entry in his diary. When a patient lost her conscience, he cut open his clothes with a scissor. A package fell off his pocket. My husband opened it and found a small box inside. Inside the box, there were a lucky charm with Falun Gong's symbol and a note. It says, "Mommy, Happy Birthday." My husband was completely devastated.

There are a lot of hospitals in China that does this. They have removed organs from many living Falun Gong practitioners in secret. There are not as many Falun Gong practitioners detained in Sujiatun now, but I believe that the crime still continues. The workers in our hospital's boiler room were destitute when they first came. After a while, they stocked up a large number of watches, rings and necklaces. They removed these jewelries from Falun Gong practitioners before throwing them into the crematory oven. According to our hospitals' staff members, some practitioners were thrown into the crematory oven before they died. These poor Falun Gong practitioners...

I am so sorry. Every day I lived in the pain of guilt. If only I could persuade my family to step out earlier, perhaps many practitioners would have survived. I know there are many Falun Gong practitioners imprisoned in many hospitals in China. I hope that these crimes would be exposed in the international society as soon as possible so that the remaining practitioners would be rescued. In addition, I hope my family and relatives will be able to hear my testimony.

I have divorced my husband because I cannot accept that fact my husband removed organs from Falun Gong practitioners. I myself have been severely traumatized and devastated. If my ex-husband had not told me that he had removed organs from living Falun Gong practitioners, I would not have believed it. I am not a Falun Gong practitioner. I am not speaking here with the same high level of morality as Falun Gong practitioners. But I truly have been feeling guilty as a Chinese with conscience for the past few years.

I thought of exposing this in China, but many people in the Health Bureau who knew about this disagreed. They told me if I exposed this, my family and I would all be killed.

This is a state crime. I know this is the state that is committing the crimes. I know I alone will not be able to change this, but I know a lot of doctors will step out. I truly hope that these doctors, after hearing my heartfelt testimony, will act according to their conscience. I also hope that this would be solved quickly. I am not criticizing China. I do not mean to criticize China at all, but it is the Chinese government caused this. I hope they will truly give an answer to those people without conscience. Thank you.

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I, Hsiu-Ping Lee, a citizen of Taiwan and permanent resident of the United States, solemnly swear that I translated the above testimony provided by a witness identifying herself as Annie.



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Translator: Hsiu-Ping Lee  
Date: Friday, July 28, 2006  
Time: 3:17 PM

# **EXHIBIT 3**

## **Li Lanqing Spoke at the National Award-giving Meeting for Advanced Groups and Individuals in Combating Evil Cults**

Xinhua News Agency, Feb 26

(Hu Guo, People's Daily; Yi Hongzhu, Wang Leiming, Xinhua) This morning, the Central Party Organization Department and seven other ministries, committees and offices in the Party and governmental leadership held an award-giving meeting to honor 110 Advanced Groups and 271 Advanced Individuals who have had outstanding performance in combating the evil cult "Falun Gong". Li Lanqing, member of the Standing Committee of the Politburo of the Party, and Vice Premier of the State Department, gave an important speech at the meeting. He, on behalf of the Party and the State Department, expressed warm congratulations to the groups and individuals that were commended, and called upon Party organizations of all levels and the cadres and masses to learn from their experience, support the righteous and suppress the evil, carry out resolute struggles against the "Falun Gong" evil cult, and create a good social environment for the reform and development of our country in the new century.

The award-giving meeting was hosted by Ding Guangen, Politburo member and Secretary-general of the Secretariat to the Politburo. Luo Gan, Politburo member and Secretary-general, was present and read "the Decision of the Central Party Organization Department, Central Propaganda Department, Central Politics and Law Committee, Public Security Ministry, Civil Affairs Ministry, Personnel Ministry and the Office for the Prevention and Handling of Cults of the State Council to Commend the Advanced Groups and Individuals in Combating "Falun Gong" Evil Cult". At the meeting the advanced groups and individuals were awarded with certificates.

In his speech, Li Lanqing pointed out that evil cults are poisonous tumors that damage the development of human civilization. They infringe upon human rights, harm the society, harm the country and the people, and have become an international problem. Li Hongzhi fabricated his absurd "Falun Dafa", under the pretense of "strengthening health" and "truthfulness, compassion, tolerance", cheats the masses, developed illegal organizations and formed close-knit organizational networks. He deified himself as a living master, spread rumors of end of the world, created panic and an atmosphere of terror, exerted "spiritual control", poisoned people's minds, and made thousands of families lose their happy lives; he exercised trickeries, collected a lot of money, cheated people who practiced, and even damaged lives; he openly defied the law, organized and instigated sieges and attacks on Party and governmental organs and media organizations, held illegal gatherings, constantly instigated people to gather in Tiananmen Square to make trouble, and seriously damaged social stability. A lot of facts have indicated that "Falun Gong" possesses the main characteristics of modern evil cults, and what it has done has seriously harmed the physical and mental health of those who practiced, infringed upon the interests of the masses, and has caused serious interference to the social order and political stability of our country. The masses have hated this poisonous tumor in the society bitterly for a long time. Consistent with public opinion, the Party and the government resolutely took a series of major measures and lead the people of the whole country to carry out determined struggle against the "Falun Gong" evil cult, and have achieved major victories. The experience in the struggle have amply testified that the Party and the government have done the absolutely right thing to have made up our minds to crack down on "Falun Gong" evil cult, and this is consistent with the historical currents of the development of human civilization, and is consistent with national interest and the interest of the masses. This just action has got firm support from the whole Party, the whole society, and the overseas Chinese and those in Hong Kong, Macau and Taiwan, and has been understood and supported by the countries in the world which support justice and those people with deep insight. If we fail to take firm action against the "Falun Gong" evil cult and allow it to develop, the people, the families and the nation will no longer be able to enjoy peace.

Li Lanqing pointed out that, in the struggle against the "Falun Gong" evil cult, we have always insisted that we educate and save the vast majority of those who practiced "Falun Gong", and that we punish by law the small number of organizers, planners and those criminals who persist in their stand and who carry out illegal activities. When we deal with those who practiced "Falun Gong" and even those die-hard

elements, we do not discriminate against them, nor do we leave them aside. On the contrary, we do our best to educate and save them out of our responsibility for the people and our humanitarianism, take various effective measures, carry out pains-taking and meticulous ideological educational work, in order to liberate them from the mental shackles of the evil cult and help them come back to normal family and social life. It has been proved that these policies and measures are completely correct and effective. This is a major contribution that China has made to human rights protection and the world's struggle against evil cults.

Li Lanqing pointed out that, in this struggle, which has a significant impact on the national security and the fundamental interest of the masses, many advanced groups and individuals have emerged, who have made outstanding contributions on their respective battle-lines and work positions. Among them, there are police officers who loyally execute their sacred mission, unafraid of fatigue, fight one battle after another, safeguard the dignity of the law, protect social order, and strike against the illegal trouble-making activities of "Falun Gong"; there are Party and governmental cadres and police and judicial officers in the grassroots level who, with their remarkable stamina and spirit, have been painstakingly and carefully educating, transforming and saving those who practice "Falun Gong"; there are scientific workers who safeguard science and the truth, and bravely reveal and refute the crooked remarks by Li Hongzhi and the true nature of "Falun Gong" as an evil cult; there are news and propaganda workers who have been revealing the nature of the evil theories of Li Hongzhi and the true nature of "Falun Gong" as an evil cult, giving timely reports on the struggle against the evil cult "Falun Gong", and mobilizing the masses to resist the harm of the evil cults, and actively carrying out struggles in propaganda; there are diplomatic workers who have been actively explain the righteous and serious standpoint of our government on "Falun Gong", introducing the true situation, and winning understanding and support from the international community, and carrying out tit-for-tat struggles against overseas organizations of the "Falun Gong" evil cult; there are work units and grass-root Party organizations which have been active in their work, and which have taken effective measures to mobilize Party members and the masses to conduct firm struggles against the "Falun Gong" evil cult. Their experiences are extremely moving and enlightening. They manifest a remarkable sense of responsibility to the cause of the Party and the people; a spirit of fulfilling their missions and unselfish dedication; a humanitarian spirit as shown in their benevolence and patient education; a spirit of safeguarding science and sticking to the truth; a fearlessness of hardships and a willingness to take on hard tasks; a professionalism and a down-to-earth work style. These spirits are manifestations of Comrades Jiang Zemin's important thoughts of the "Three Represents", and are the manifestations of the glorious Party tradition under the new historical circumstances. The whole Party and the whole society must learn from the experiences of these advanced groups and individuals, support the righteous and suppress the evil, and carry out the struggle against "Falun Gong" evil cult to a deeper level.

Finally, Li Lanqing required the Party and government's leaders and the cadres of all levels and the masses to become fully aware of the seriousness of the "Falun Gong" problem and the complexity, intensity and the long-term nature of this struggle, further improve their understandings, take effective measures, and continue to do all the jobs well in the struggle against the "Falun Gong" evil cult, We must, under the firm leadership of the Party center with Comrade Jiang Zemin at its core, uphold the glorious banner of the Deng Xiaoping theories, using the important thoughts of "Three Represents" as the guiding principle, strengthen our confidence, rouse ourselves up, carry out down-to-earth work, unite ourselves and make incessant efforts to realize the magnificent objectives of reform and open-door policy and modernization of our country in the new century.

Those present at the award-giving meeting were the responsible comrades of relevant departments of all the provinces, autonomous regions, municipalities and central Party and government ministries. More than 1600 people received honors. Representatives of the advanced groups and individuals made touching speeches at the meeting.

Before the award-giving meeting, Li Lanqing, Ding Guangen, Luo Gan and other leaders kindly met with the representatives of advanced groups and advanced individuals.

# **EXHIBIT 4**

# Torture Is Breaking Falun Gong

China Systematically Eradicating Group

By John Pomfret and Philip P. Pan  
Washington Post Foreign Service  
Sunday, August 5, 2001; Page A01

BEIJING -- Expanding its use of torture and high-pressure indoctrination, China's Communist Party has gained the upper hand in its protracted battle against the banned Falun Gong spiritual movement, according to government sources and Falun Gong practitioners. As a result, they say, large numbers of people are abandoning the group that presented the party with its most serious challenge since the 1989 student-led protests in Tiananmen Square.

After a year and a half of difficulties in suppressing the movement, the government for the first time this year sanctioned the systematic use of violence against the group, established a network of brainwashing classes and embarked on a painstaking effort to weed out followers neighborhood by neighborhood and workplace by workplace, the sources said.

They said the crackdown has benefited from a turn in public opinion against Falun Gong since five purported members set themselves on fire in Tiananmen Square, leading many Chinese to conclude the group is a dangerous cult.

In recent interviews, the sources and practitioners described for the first time in detail the methodical efforts being used to eradicate the Falun Gong movement, efforts that the Chinese call "reeducation." They told of believers being beaten, shocked with electric truncheons and forced to undergo unbearable physical pressure, such as squatting on the floor for days at a time. Many adherents are also sent to intensive classes where the teachings of Falun Gong leader Li Hongzhi are picked apart by former believers, sometimes friends who have already been tortured into submission.

"I am a broken man," said James Ouyang, 35, an electrical engineer who was forced by labor camp guards to stand facing a wall for nine days and then sent to a brainwashing class for 20 more. "I have rejected Falun Gong. . . . Now, whenever I see a policeman and those electric truncheons, I feel sick, ready to throw up."

Two years ago, the Chinese government outlawed Falun Gong, a nonviolent movement that mixes Buddhist beliefs with slow-motion martial-art-type exercises, and denounced the group as an evil cult and a threat to society. But the underlying reason for the crackdown is the leadership's view that Falun Gong is an independent organization that threatens the Communist Party's monopoly on power.

The crackdown's recent gains have been a boost to both President Jiang Zemin, the Chinese leader most closely associated with the campaign, and the party, which some experts had thought was too fractured and ineffectual to defeat the unusually well-organized group.

"This campaign should teach us not to underestimate the Communist Party," said one party official who has advised the government on the crackdown, but opposes its use of violence. "The party has a powerful ability to synthesize experience and come up with methods to deal with challenges. All the brutality, resources and persuasiveness of the Communist system is being used -- and is having an effect."

**A Strategy for Success**

At the start of the crackdown, government officials estimated that between 3 million and 6 million people were serious followers of Falun Gong, which translates roughly as Wheel of the Law. About 10 percent, up to 600,000, were considered willing to fight the government crackdown, Chinese officials said. Estimates outside the government have put membership much higher -- in the tens of millions, but exact numbers are not available.

The government's campaign against Falun Gong, launched in July 1999, struggled at first, hampered by uneven enforcement and a split between central government leaders, who viewed the group as a threat to the party's rule, and local officials, who did not. But over the past six months, China's security forces have regrouped and devised an approach they say is producing results.

That approach has three ingredients, according to another government adviser.

The first, he said, is violence. The crackdown has always been associated with police and prison brutality, but the adviser said it was only this year that the central leadership decided to sanction the widespread use of violence against Falun Gong members. Citing government reports, he said practitioners who are not beaten generally do not abandon the group.

The adviser said the second element, a high-pressure propaganda campaign against the group, has also been critical. As Chinese society turned against Falun Gong, pressure on practitioners to abandon their beliefs increased, and it became easier for the government to use violence against those who did not. The self-immolation of five purported members in Tiananmen Square on Jan. 23 was a turning point. A 12-year-old girl and her mother died, and the party made the incident the centerpiece of its campaign to discredit Falun Gong. By repeatedly broadcasting images of the girl's burning body and interviews with the others saying they believed self-immolation would lead them to paradise, the government convinced many Chinese that Falun Gong was an "evil cult."

Finally, the security apparatus has begun forcing practitioners to attend intense study sessions in which the teachings of the Falun Gong leader are picked apart by former followers. These brainwashing classes have been key to persuading members to quit practicing Falun Gong, the government adviser said.

"Each aspect of the campaign is critical," he said. "Pure violence doesn't work. Just studying doesn't work either. And none of it would be working if the propaganda hadn't started to change the way the general public thinks. You need all three. That's what they've figured out."

Some local governments had experimented with brainwashing classes before, but in January, Beijing's secret 610 office, an interagency task force leading the charge against Falun Gong, ordered all neighborhood committees, state institutions and companies to begin using them, government sources said. No Falun Gong member is supposed to be spared. The most active members are sent directly to labor camps where they are first "broken" by beatings and other torture, the adviser said.

At the same time, Beijing is getting more efficient at forcing local officials to carry out its orders on Falun Gong. Internal polls conducted by the Central Party School show county-level officials placing a greater priority on eradicating the group, the government adviser said. The 610 office also dispatches teams of investigators to check up on local officials, and a "proper attitude" toward Falun Gong is now required for any promotion, he said.

**No One Spared**

Neighborhood officials have compelled even the elderly, people with disabilities and the ill to attend the classes. Universities have sent staff to find students who had dropped out or been expelled for practicing Falun Gong, and brought them back for the sessions. Other members have been forced to leave sick relatives to go to class.

A university student in Beijing, Alex Hsu, said he was on his way to a computer lab earlier this year when a school official stopped him and told him he had to take the class. The school had confronted him before about his faith in Falun Gong, but he had never participated in protests and had never been arrested.

Six men surrounded him, forced him into a car and drove him to a hotel near a labor camp outside Beijing. About 20 practitioners were there, all of them students, teachers, university staff members or retired professors. Hsu later learned the class was organized by the Education Ministry. "We were all very scared," Hsu said. "We didn't know what was going to happen next."

By relying on "work units," to which all state employees are assigned, and neighborhood committees to ferret out and convert believers, the government is taking a page from the mass campaign tactics used by the Communist Party under the leadership of Mao Zedong. The plan has been surprisingly effective, especially given other changes that have undermined the party's control over Chinese society, such as the rise of a private business sector and looser rules governing migration and housing.

Each work unit is responsible for paying the "tuition" of its practitioners. And township governments that have been successful in converting Falun Gong members, most notably in Shandong province, have been encouraged to sell their services to other townships, Chinese sources said.

Hsu said school officials told him they paid about \$800 to send him to the brainwashing class. The morning after he was picked up, the class began in a cafeteria inside the labor camp. The first lesson was a threat.

"They said if they didn't achieve their goals, if we didn't give up our beliefs, we'd be taken to the labor camp," Hsu said. "Reeducation through labor is a frightening thing to a Chinese person. We all knew we would be harmed and our lives would be in danger. We all knew someone who had died in the camps."

In the cafeteria, Hsu sat at a table with three former Falun Gong members, all of them still detained at the camp. For 12 hours a day, they tried to persuade him to abandon Falun Gong. As the days passed, more "teachers" joined his table, analyzing the writings of Falun Gong leader Li Hongzhi and refusing to let Hsu rest.

"It was mental torture. . . . The pressure just kept growing," Hsu said. "And the threat was always there. You could see these people all had suffered, and you knew what would happen to you if you didn't give in too."

Practitioners are forced to remain in the classes until they renounce their beliefs in writing and then on videotape. On average, the government adviser said, most people abandon Falun Gong after 10 to 12 days of classes, but some resist for as long as 20.

"It was like being drugged with a potion. They came at you fast, frightening you and confusing you," said Sydney Li, a practitioner who escaped from a class organized by neighborhood officials in which he was beaten about the head. "If you weren't a strong believer, it would be easy to be tricked."

The turning point for Hsu came in the third week. He looked up one morning and recognized one of the "teachers" at his table -- a friend, classmate and fellow practitioner who had disappeared earlier in the year. The student looked thin and sickly. He later told Hsu he had been tortured.

"It was a shock. I didn't know he had been sent to the labor camp, and he looked so different," Hsu said. "He didn't say much at first, but the others made him talk. I felt so sad."

A few days later, Hsu signed a statement promising not to practice Falun Gong again and another attacking the group as an evil cult. He read them aloud to his class and in front of a video camera. He wept on the ride back to his university.

"I'm not sure about the others, but I never believed what I was writing," he said. "It was very painful. They forced us to lie. We knew Falun Gong is good, but they forced us to say it was evil."

Hsu has since dropped out of school and gone into hiding because he wants to continue practicing. But he acknowledged many followers have given up Falun Gong completely. There are no reliable estimates of how many followers have abandoned the group.

Those who refuse to submit in the classes are sent to the labor camps, where members face a more systematic regime of violence than in the past, according to practitioners and government sources.

#### **Days of Beatings**

The sting of torture was felt by James Ouyang, a slight man with thick glasses and crooked teeth. On the sixth day of beatings this April, he recalled, he began to denounce the Falun Gong.

"I cursed and cursed Falun Gong, but the police said it wasn't enough," he said, running a trembling hand through thinning hair. "They continued beating me for three more days until they were satisfied."

When Ouyang, who asked to be identified only by his Chinese last name and an English name he calls himself, was first arrested in early 2000 for going to Tiananmen Square to unfurl a banner praising Falun Gong, police roughed him up but released him after a week. At the time, the government adviser said, China's security services were inflicting only a "normal amount" of abuse on Falun Gong practitioners. And in many parts of China, police ignored Falun Gong as long as practitioners did not go to Beijing to protest.

The adviser, contradicting some Western reports, said the government previously had no systematic campaign of violence to break Falun Gong. "Before this year, practitioners were beaten if they broke rules in jail or if the police were normally brutal," he said. "It must be understood that anyone in a Chinese jail will get beaten for breaking the rules. Deaths in custody are commonplace."

But the adviser said the policy changed after the Jan. 23 self-immolations and a Communist Party work conference in early February. At that time, party officials concluded the self-immolations and the unrelenting propaganda campaign that followed had turned the public against Falun Gong. The self-immolations seemed to show that Falun Gong was a bizarre cult, and that freed the party's hand, he said.

"The immolations had a huge effect," he said. "Previously, most Chinese thought the crackdown was stupid, like a dog catching a mouse. After those people burned themselves and the party broadcast that little girl's face on TV for almost a month straight, people's views here changed. Now many agree that it's an evil cult. That was a huge defeat for Li Hongzhi."

Li also played into the party's hands. His spokesmen in the United States denied the people who burned themselves were Falun Gong members, disappointing some in China who felt he was rejecting his flock. And Li continued to issue circulars encouraging his followers to confront the authorities, upsetting people because he seemed unmoved by the growing casualties. So far, Falun Gong says more than 250 followers have died in government custody.

Ouyang was arrested again in April after going to Tiananmen Square to show his support for Falun Gong. This time, he said, police methodically reduced him to an "obedient thing" over 10 days of torture.

At a police station in western Beijing, Ouyang was stripped and interrogated for five hours. "If I responded incorrectly, that is if I didn't say, 'Yes,' they shocked me with the electric truncheon," he said.

Then, he was transferred to a labor camp in Beijing's western suburbs. There, the guards ordered him to stand facing a wall. If he moved, they shocked him. If he fell down from fatigue, they shocked him.

Each morning, he had five minutes to eat and relieve himself. "If I didn't make it, I went in my pants," he said. "And they shocked me for that, too."

By the sixth day, Ouyang said, he couldn't see straight from staring at plaster three inches from his face. His knees buckled, prompting more shocks and beatings. He gave in to the guards' demands.

For the next three days, Ouyang denounced Li's teachings, shouting into the wall. Officers continued to shock him about the body and he soiled himself regularly. Finally, on the 10th day, Ouyang's repudiation of the group was deemed sufficiently sincere.

He was taken before a group of Falun Gong inmates and rejected the group one more time as a video camera rolled. Ouyang left jail and entered the brainwashing classes. Twenty days later after debating Falun Gong for 16 hours a day, he "graduated."

"The pressure on me was and is incredible," he said. "In the past two years, I have seen the worst of what man can do. We really are the worst animals on Earth."

**EXHIBIT 5**

# CHINA

## PEOPLE'S REPUBLIC OF CHINA

Head of state: Jiang Zemin

Head of government: Zhu Rongji

Capital: Beijing

Population: 1.2 billion

Official language: Standard Chinese or Mandarin

Death penalty: retentionist

2000 saw continued repression of peaceful dissent throughout the country. There was no sign of any relaxation of the 1999 crack-down on fundamental freedoms. Thousands of people were arbitrarily detained for peacefully exercising their rights to freedom of expression, association or religion. Some were sentenced to long prison terms after unfair trials under national security legislation; others were detained without trial and assigned to up to three years' "re-education through labour". Torture and ill-treatment of prisoners continued to be widespread. The limited and incomplete records available showed that at least 1,511 people were sentenced to death and 1,000 executed; the true figures were believed to be far higher. In the autonomous regions of Xinjiang and Tibet, religious freedom continued to be severely restricted and people suspected of nationalist activities or sympathies were subjected to particularly harsh repression.

### Background

The government's campaign of repression against those it deemed a threat to political stability and public order continued against a background of growing public criticism of official corruption. The government intensified its anti-corruption campaign and several high-ranking officials were convicted of corruption following highly publicized trials; some were sentenced to death.

Although implementation of the law continued to be arbitrary in many cases, the government renewed efforts to encourage implementation of 1997 legal changes, including some aimed at improving the fairness of trials. Further legal reform was debated with reference to international human rights treaties which China had signed but not yet ratified. In November, the government signed a Memorandum of Understanding with the UN High Commissioner for Human Rights, designed to set up a program of technical cooperation in the field of human rights.

At the UN Commission on Human Rights, China again blocked debate on a draft resolution by using a procedural motion "not to take action". In May, the UN Committee against Torture recommended that China adopt a definition of the crime of torture consistent with the UN Convention against Torture and abolish all forms of administrative detention.

In September survivors of the 1989 massacre which followed pro-democracy protests in Tiananmen Square filed a civil lawsuit in New York, USA, against Li Peng, the then Chinese Premier, for human rights violations including crimes against humanity and torture.

### Labour unrest and repression

The enormous social costs of economic restructuring continued to provoke social unrest during 2000. The absence of effective social welfare provisions left many of the millions of workers who had lost their jobs in recent years facing acute poverty. A severe drought also brought hardship and disquiet among the country's rural population. Tens of thousands of demonstrations were believed to have taken place during the year, although most were not reported by China's tightly controlled official media. China's expected entry into the World Trade Organization was set to increase economic and social challenges.

✉ In May, nearly 50 people were reportedly injured when several hundred police dispersed a demonstration of up to 5,000 steel workers from the Liaoyang Perroalloy Factory, Liaoning province. Workers were protesting that some had not been paid since 1998 and that 2,000 workers who had been laid off and 1,000 retired workers had not received their benefits for up to six months.

✉ Peasants from eight rural towns in Shaanxi province were beaten and illegally detained for refusing to pay excessive taxes imposed by local Communist Party officials. Ma Xiaoming, a journalist investigating the story, was detained for several hours by police in August. The peasants were campaigning for the release of Ma Wenlin, a paralegal who was imprisoned for five years in 1999 after lodging a formal complaint against the taxes with the central government.

### Repression of spiritual and religious groups

Followers of the *Falun Gong* spiritual group faced detention, unfair trials, torture and imprisonment as part of the government's continuing crack-down on groups it considered to be "heretical organizations". Legislation was used retroactively to convict alleged leaders of the *Falun Gong* on politically driven charges and new regulations were introduced to further restrict fundamental freedoms. Since the *Falun Gong* was banned in July 1999, at least 93 adherents were believed to have died in police custody. Some of the deaths were a result of suicide or injuries inflicted during forcible feeding, but most were reported to have died as a result of torture. New arrests and detentions were reported daily throughout 2000. Thousands, possibly tens of thousands, of practitioners were believed to remain in detention at the end of the year. Many were assigned without trial to "re-education through labour" and some were detained in psychiatric hospitals.

The clamp-down on "heretical organizations" increasingly encompassed other *Qi Gong* and religious groups. Evangelical Protestants and Roman Catholics who worshipped outside the official "patriotic" churches were the victims of a continuing

pattern of arrests, fines and harassment. Scores arrested in recent years remained in prison or labour camps.

☞ In August, 130 evangelical Christians were detained in Henan province. All were members of the *Fangcheng* Church, one of many Protestant "house churches" which are not recognized by the authorities. According to reports, 85 of those detained were subsequently charged with joining an "heretical organization". However, in September official sources claimed that all those detained had been "re-educated and sent back to where they came from".

☞ In September, 24 Roman Catholics, including a priest and 20 nuns, were detained in Fujian province when police found them holding church services in a mushroom-processing factory. According to reports, Father Liu Shaozhang was so severely beaten by police during arrest that he vomited blood. Two of the nuns were allegedly released the following day after parishioners paid a large sum of money to the police; the whereabouts of the other 22 detainees remained unknown at the end of the year.

### Repression of Internet users

People continued to be arrested and charged with serious offences for using the Internet to spread information about human rights or other politically sensitive issues. Attempts by the authorities to control access and use of the Internet in China included the closure in August of what was described as the first ever pro-democracy website. In October and November, the government issued regulations to control news sites and chat-rooms and combat "internet crimes", including the expression of views deemed "harmful to the state".

☞ Huang Qi was arrested in the southwestern city of Chengdu in June for publishing information on the Internet about the 1989 crack-down on pro-democracy protests. He was charged with "subverting state power", but was not known to have been tried by the end of the year.

### Repression of reformers and dissidents

People continued to be detained and sentenced to terms of imprisonment or "re-education through labour" for peacefully promoting reforms. These included political dissidents, such as members of the banned China Democratic Party, and anti-corruption and environmental campaigners.

☞ In September dissident writer Qi Yanchen was sentenced to four years' imprisonment for "subversion" by a court in Hebei province. He was one of the founders of an environmental movement, the China Development Union, which was banned in 1998. His imprisonment was believed to be connected with his writings, in particular his book, *China's Collapse*, which argues that China must introduce political reforms if it wants to avoid widespread social unrest.

☞ In April, An Jun, an anti-corruption campaigner, was sentenced to four years' imprisonment for "anti-government activities" by a court in Xinyang, Henan province. The evidence against him was reportedly based on four essays he had written but never published. Prior to his arrest in July 1999, An Jun had formed an independent anti-corruption group which claimed to have uncovered over 100 cases of corruption.

### Tiananmen Square anniversary

The authorities once again suppressed all attempts to mark the anniversary of the June 1989 crack-down on pro-democracy activists when hundreds of civilians were massacred and tens of thousands of others were injured or arrested. Every year since 1989, the anniversary has sparked further arrests and detentions of those seeking justice for the victims and their families.

Eleven years on, no public inquiry had been instituted into the events and no compensation had been granted to the families of the victims. At the end of 2000 more than 200 people were believed to remain in prison for their activities in connection with the 1989 protests.

### Torture/ill-treatment

Torture and ill-treatment of detainees remained widespread. Victims included both political detainees and criminal suspects. Incidents were reported in police stations, detention centres, prisons, labour camps, repatriation centres and drug rehabilitation centres. There were also frequent reports of the use of torture during non-custodial control measures such as "residential supervision" and during the "special isolation" of officials being investigated for alleged corruption.

Torture during interrogation was perpetrated against all types of detainees and was a component part of some high-profile anti-crime or political campaigns such as the crack-down on the *Falun Gong*.

The extent of deaths in custody as a result of torture remained largely unacknowledged by the authorities. In many cases, particularly those involving political prisoners or perceived enemies of the government, officials simply denied responsibility and no proper investigation was undertaken.

☞ Chen Zixiu, a 60-year-old *Falun Gong* practitioner, reportedly died under torture in February while held by police in Weifang, Shandong province. Fellow detainees testified in detail about how she was tortured. According to her daughter, when the family came to fetch Chen Zixiu's body, it was covered in bruises, her teeth were broken and blood was coming out of her ears. Local police reportedly later claimed that she had "died of a heart attack".

Prison conditions remained harsh and the routine denial of medical care posed a serious threat to many prisoners.

☞ Zhang Shanguang, a former teacher and labour rights activist held in Hunan Province No. 1 Prison, was forced to continue doing heavy physical work in fetters despite suffering from a serious lung illness. When he tried to stop working, he was reportedly beaten. He had been detained in July 1998 and one of the charges against him was based on an interview he gave to a US-funded radio station in which he spoke, among other things, about peasant demonstrations in Hunan province. He was sentenced to 10 years' imprisonment and five years' deprivation of political rights following a trial behind closed doors that lasted just over two hours. By the end of the year, Zhang Shanguang had reportedly been held for four months in solitary confinement as punishment for "refusing to confess his crimes". He had also reportedly been denied family visits.

### Denial of due process and unfair trials

The authorities continued to flout the Criminal Procedure Law in many cases. Political defendants were routinely denied their right to due process and their lawyers were often subjected to pressure by the authorities.

☞ Li Xiaobing and Li Xiaomei, two sisters from Beijing, were tried in secret in Beijing in January and sentenced to seven and six years' imprisonment respectively. The sisters were convicted of "illegal trading" in connection with the sale of *Falun Gong* publications. However, they were arrested on 20 July 1999 — two days before the *Falun Gong*, and therefore its literature, were banned. The two women were held for more than three months without charge, in violation of Chinese law, and denied access to their family. In August 1999, before formal charges had been laid, the official *Xinhua* news agency published accusations against them, showing clearly that they were already considered guilty. According to unofficial sources, their lawyer was put under pressure not to present a plea of "not guilty" at their trial.

### Death penalty

The death penalty continued to be used extensively and arbitrarily. Political interference was common. Often mass executions were carried out before major events or public holidays as a warning to others. Execution was by shooting or lethal injection and sometimes took place within hours of sentencing. The limited and incomplete records available to AI at the end of the year showed that at least 1,511 death sentences had been passed and at least 1,000 executions carried out in 2000. These were believed to be only a fraction of the true figures as death penalty statistics remained a state secret in China. Many cases were reported in which death sentences were passed on the basis of contentious evidence, including confessions extracted under torture.

☞ Zhuo Xiaojun was sentenced to death on 14 January after a blatantly unfair trial. He had been detained in December 1989 and sentenced to death. However, the conviction was overturned on appeal and a retrial ordered. This began in January 1993 but was adjourned for seven years. The latest trial in January 2000 lasted only a few hours. No witnesses were called; no new evidence was reportedly presented; and a confession — which Zhuo Xiaojun testified was extracted under torture and which had been undermined by forensic evidence — was central to the prosecution's case. No visits by Zhuo Xiaojun's family had ever been permitted. He was reported to suffer from hepatitis, a bleeding stomach and ulcerating skin. Both while under the initial and the second death sentences, he was reported to be held with hands and feet shackled together at all times. Zhuo Xiaojun's appeal was heard on 28 November. No decision had been reported by the end of the year.

### Xinjiang Uighur Autonomous Region (XUAR)

Executions of Uighur political prisoners labelled as "separatists" or "terrorists" by the authorities continued. Most were passed after secret or summary trials where convictions were based on confessions extracted under torture. The XUAR was the only region of China where political prisoners

were known to have been executed in recent years. The pattern of gross human rights violations reported from the XUAR included prolonged arbitrary incommunicado detention, torture and ill-treatment and unfair trials. The targets of abuses were mainly Uighurs, the majority ethnic group among the predominantly Muslim local population. There was an increase in religious persecution by the authorities. Islamic groups and prominent individuals in the Muslim community were subjected to repressive and often brutal measures. Thousands remained imprisoned.

☞ Rebiya Kadeer, an Uighur businesswoman and mother of 10, was sentenced to eight years' imprisonment after a secret trial in March. She was charged with "providing secret information across the border" for sending copies of publicly available newspapers to her husband, a former political prisoner living abroad. Rebiya Kadeer, a prominent campaigner promoting Uighur women's rights, had been detained in August 1999 in Urumqi, capital of the XUAR, while on her way to meet a visitor from the US Congressional Research Service. Her appeal against her sentence was rejected in November by the XUAR High People's Court, following which she was transferred to the Baijiahu prison in Urumqi. She was reported to be in poor health.

### Tibet Autonomous Region (TAR)

In January the 17th Karmapa — the highest profile religious leader to leave the TAR in recent years — escaped into exile. Repression of religious activities in the TAR intensified during 2000. Hundreds of Buddhist monks and nuns were believed to remain in prison at the end of the year. Many prisoners were forced to work long hours in harsh conditions. Inadequate and poor quality food combined with insanitary conditions caused health problems for many inmates. Few escaped torture and ill-treatment, particularly during the early stages of custody.

☞ Ngawang Choephel, a Tibetan ethno-musicologist, continued to serve an 18-year prison sentence. He had been convicted in 1996 of "espionage and counter-revolutionary activities". At the time of his detention he had been gathering material for the production of a documentary film about traditional Tibetan performing arts. Ngawang Choephel was held in Powo Tramo prison and was reported to be in poor health, suffering from "bronchitis, hepatitis and respiratory infections". In August, his mother was given permission by the Chinese authorities to travel from India to Tibet to visit her imprisoned son for the first time since his arrest in 1995.

### Asylum-seekers

In April some 50 North Korean nationals were forcibly returned by the Chinese authorities to North Korea (Democratic People's Republic of Korea) where they were feared to be at serious risk of human rights violations. They were among thousands of others reportedly returned to North Korea in previous months without being granted access to any asylum procedure.

### Hong Kong Special Administrative Region

Continuing litigation over the right of abode stipulated in the Basic Law fuelled debate over the role and autonomy of Hong Kong courts when interpreting constitutional rights under the "One Country Two Systems" model.

#### Freedom of expression and the right to peaceful assembly

Frequent demonstrations were held against a wide range of government policies.

☞ In May, activist Leung Kwok-hung was sentenced to 14 days' imprisonment for "contempt" after shouting a slogan during an October 1999 legislative council meeting.

☞ In August and September, 16 demonstrators, including seven student leaders, were arrested under the controversial 1997 Public Order ordinance for failing to give seven days' notice prior to a demonstration in June. Participants had formally complained of excessive use of force by police who had used pepper spray and punched and kicked protesters. The arrests triggered large unauthorized solidarity marches and renewed public scrutiny of the ordinance. In October, the charges were dropped.

☞ A public investigation which substantiated allegations of official interference in academic freedom at the University of Hong Kong led to the resignation of the vice-chancellor and pro-vice-chancellor in September.

☞ Staff of the Central Government Liaison Office (formerly the New China News Agency or *Xinhua*) told the Hong Kong media not to report the views of pro-independence Taiwanese, and warned Hong Kong businesses of the risks of choosing such trading partners.

#### Alleged illegal immigrants and asylum-seekers

Two officials and an interpreter were charged with perverting the course of justice after several people were wrongfully detained for immigration offences after allegedly being pressurized or misled into making false confessions. They included a teenage girl and a female tourist from Viet Nam. A severely mentally disabled boy went missing in mainland China after immigration officials allowed him to cross the border alone without papers and then blocked his attempts to return.

In January, the jury at a coroner's inquest into the August 1999 death of Prince Evis Ose in a fire in his cell in Victoria Prison called for "serious action" across government departments. The prison was used to detain alleged overstayers, illegal immigrants and asylum-seekers under the Immigration Ordinance, potentially without trial and for an unlimited period. The inquest heard that recommendations made in 1987 to install fire-fighting equipment and remove flammable fittings had been largely ignored by officials because they considered prisons had no public access.

In May the UN Committee against Torture recommended that Hong Kong's laws and practices to outlaw torture and to protect refugees be brought into conformity with the UN Convention against Torture.

### Macao Special Administrative Region (MSAR)

Rising unemployment undermined high expectations of economic recovery and government reform under the Chinese regime. Unemployed workers staged several large marches, culminating in a violent confrontation on 2 July when police used tear gas to disperse stone-throwing demonstrators and arrested several alleged organizers.

The police reported a significant decrease in triad-gang related violence. Several defendants complained they had been falsely charged and denied any right to bail under wide-ranging 1999 legislation against organized crime. Severe overcrowding was reported at the MSAR's one prison.

In December, on the eve of President Jiang Zemin's visit to celebrate the first anniversary of the MSAR, police occupied the home of *Falun Gong* organizer Lam Yatming, claiming they were searching for banned items, and detained democracy activist Lee Kinyuen. Peaceful *Falun Gong* gatherings were forcibly dispersed, and many local and foreign practitioners were detained. The Chief Executive promised to investigate allegations that police had beaten practitioners while removing them from the MSAR. President Jiang Zemin urged Macao to take concrete measures to defend Beijing's authority and prohibit activities against the central government.

### AI country reports

- Women's Rights are Human Rights – China: Arbitrary detention of Rebiya Kadeer – a women's human rights defender and prisoner of conscience (AI Index: ASA 17/004/2000)
- People's Republic of China: The crack-down on *Falun Gong* and other so-called "heretical organizations" (AI Index: ASA 17/011/2000)
- People's Republic of China: Tiananmen – 11 years on and still no government inquiry: "forgotten prisoners" (AI Index: ASA 17/017/2000)
- People's Republic of China: Death Penalty Log 1999 (AI Index: ASA 17/049/2000)

**EXHIBIT 6**



**Economic and Social  
Council**

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COMMISSION ON HUMAN RIGHTS  
Fifty-seventh session  
Item 12 (a) of the provisional agenda

**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER  
PERSPECTIVE: VIOLENCE AGAINST WOMEN**

**Report of the Special Rapporteur on violence against women, its causes  
and consequences, Ms. Radhika Coomaraswamy, in accordance with  
Commission on Human Rights resolution 2000/45**

**Addendum**

**Communications to and from Governments\***

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\* The executive summary of this report and the confidential information form (see appendix) are being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being circulated in the language of submission only.

injury. No case has been lodged with the police either by the victim or the victim's family. However, four persons were arrested by the police as suspects. In the absence of substantive proof, they were later released. The victim, Shah Alam, is reportedly presently in good health.

### Canada

11. On 9 August 2000 a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the human rights of migrants was sent in regard to **Anam Iqra**, a Pakistani citizen who had sought refugee status in Canada. According to information received, her mother was murdered by her father for not conforming to the traditional practices of her family. After her mother's murder, Ms. Iqra was allegedly confined and tortured by her brother. It is reported that her family threatened to kill her in case of any protest. Ms. Iqra ran away from home and was hiding in different places, pursued by her brother and male members of her family who threatened to kill her. She was helped to escape to the United States from where she went to Canada.

12. According to information received, Ms. Iqra was at risk of being deported from Canada to Pakistan. The Special Rapporteurs expressed their concern about her fate in Pakistan should she be deported. Perpetrators of "honour killings" in Pakistan have so far not been punished for murder, giving them virtual impunity. The Special Rapporteurs appealed to the Government to refrain from deporting Anam Iqra to Pakistan.

13. By letter dated 28 November 2000 the Government responded regarding the case of **Anam Iqra**. According to information received from the Department of Citizenship and Immigration, Ms. Iqra had entered Canada from the United States on 12 July and was determined eligible to be considered as a refugee on 25 July. On 7 September 2000, she obtained an employment authorization, so that she could work while the refugee determination process continued (it currently takes eight months for a refugee hearing to take place and a decision to be made). It was reported that no decision had been made to deport Ms. Iqra and that her claim to be a refugee had not yet been decided. The Government stated that it would update the Special Rapporteurs on the outcome of the case as soon as possible.

### Follow-up to previously transmitted communications

14. By letter dated 18 April 2000 the Government responded to the Special Rapporteur's communication dated 6 August 1999 concerning the case of **Jonathee Wannasri** (see E/CN.4/2000/68/Add.1, para. 31). The Government indicated that by decision dated 10 August 1999 the Convention Refugee Determination Division (CRDD) determined that Ms. Wannasri was not a Convention refugee. Ms. Wannasri was apprised of her right to apply for judicial review of the decision with leave of a judge of the Federal Court. She did not exercise this right. Ms. Wannasri was removed from Canada on 2 September 1999.

### China

15. By letter dated 19 January 2001 the Special Rapporteur communicated her grave concerns in regard to information received concerning the alleged use of violence against women in China and in particular the ill-treatment of female Falun Gong practitioners. According to

information received the Chinese authorities have been conducting a major crackdown on the Falun Gong, Falun Dafa and other Qi Gong groups. The vast majority of Falun Gong practitioners are women. A ban was imposed on the Falun Gong on 22 July 1999 as "constituting a threat to social and political stability". Practitioners are said to be put under pressure to renounce their beliefs. Thousands are said to have been detained by police; many of them are said to have been sent to labour camps for "re-education" through labour, or detained in psychiatric hospitals and administered drugs against their will. Many of them are said to have suffered torture or ill-treatment. The methods of torture used against women practitioners have included: stripping them naked; severe beatings with fists or a variety of instruments, such as wooden batons, on shinbones, thighs, shoulders and other parts of the body; kicking; the use of electric shock batons, inter alia to the genitals, armpits, soles of the feet and the mouth; the use of handcuffs, shackles or ropes to tie prisoners in ways which cause intense pain; suspension by the arms or feet, often combined with exposure to extreme cold or heat; the use of cigarette lighters to burn their bodies; the insertion of sticks or needles under the nails or having fingernails pulled out by pliers; the insertion of pepper, chilli powder or other substances into the mouth, nose or genital organs; the use of injections which cause victims to become mentally unbalanced or to lose the ability to speak coherently. It is further alleged that many women practitioners have died following torture or medical neglect in detention. It is also reported that many women practitioners have died by falling out of windows whilst trying to escape.

16. In that connection, the Special Rapporteur has received information on the individual cases summarized below:

(a) In October 2000 prison guards in the **Masanjia prison in Shenyang, Liaoning province**, allegedly stripped 18 female Falun Dafa practitioners and put them into cells containing male convicted criminals. It is reported that Luo Gan, a high-ranking Communist Party official, was aware of the incident. The 18 women are said to remain in prison;

(b) It is reported that since October 1999, more than 1,500 Falun Dafa practitioners have been detained in the **Masanjia labour education camp** in Liaoning province. Practitioners are reportedly forced to denounce Falun Dafa. People who refuse to do so are allegedly subjected to physical abuse, shocked with electric batons, detained in solitary confinement and assigned intensive labour. The electric batons are used to shock the breasts and genitals of the female practitioners. The camp officials also allegedly force practitioners to drink dirty water from an abandoned well; practitioners reportedly all showed symptoms of poisoning after they drank the water;

(c) According to information received more than 50 female Falun Dafa practitioners were detained in **Qiaozhuang detention centre**, Tongzhou district, a suburb of Beijing, in July 2000. It is reported that after police had failed to force the practitioners to renounce their beliefs, using tortures and insults, most of practitioners were sent to labour camps and some were sent to psychiatric hospitals. In particular, the Special Rapporteur has received information concerning the following individual cases:

(i) **Huang Xiuling**, aged 59, from Fuma village, Majuqiao town, Tongzhou district, Beijing, was reportedly sent to Qiaozhuang detention centre in the afternoon of 30 June 2000, and was detained in cell 9. She refused to

**EXHIBIT 7A**

## Ministry of Health related anti Falun Gong reports

光明日报 1999-07-25 “卫生部召开首都医务界专家揭批“法轮功”座谈会，用医学科学帮助群众强身健体” 记者 陈光曼

本报北京七月二十四日电 今天卫生部在京召开首都医务界专家座谈会，对李洪志利用群众强身健体的愿望，制造了一系列的歪理邪说，使不少人因生病不治而延误了病情，甚至失去了宝贵的生命，表示了极大的愤慨。专家们指出，与“法轮功”的这场斗争是一场严肃的政治斗争，党中央取缔“法轮功”这一非法组织是非常正确、非常及时的。<http://www.gmw.cn/01gmr/1999-07/25/GB/gm%5E18128%5E2%5EGM2-2511.htm>

*Guanming Daily* July 25, 1999. **Title:** “The Ministry of Health hosted the medical expert criticizing ‘Falun Gong’ symposium in Beijing to the people’s health” by reporter Chen guangman

July 24, 1999, Beijing. Medical experts in Beijing attended a symposium hosted by the Ministry of Health today. The experts all expressed their great indignation regarding Falun Gong’s wicked theories and deviant ideas. They believed that Li Hongzhi exploited people’s wishes of becoming healthy and fitness. Many people lost their lives due to delaying treatments in hospitals. The experts pointed out that the battle against Falun Gong was a serious political struggle. The CCP’s central committee’s decision on banning Falun Gong, this illegal organization, was absolutely correct and timely. (From *Guangming Daily website*) <http://www.gmw.cn/01gmr/1999-07/25/GB/gm%5E18128%5E2%5EGM2-2511.htm>

新华社北京(1999)7月25日电 “卫生部负责人指出，不消除‘法轮功’的歪理邪说，广大群众的身心健康就无法保证”

卫生部负责人日前接受记者采访时指出，“法轮功”极力宣扬一套愚弄群众的江湖骗术和歪理邪说，危害很大。这种歪理邪说不清除，正常的预防、医疗、保健工作就无法进行，广大人民群众的身心健康就无法保证。

<http://www.people.com.cn/item/flg/news/072512.html>

*Xinhua News Agency* reported on July 25, 1999. **Title:** “The head of Ministry of Health pointed out that without eliminating ‘Falun Gong’s wicked theories and deviant ideas, there is no guarantee of people’s health”

During the interview with a reporter from Xinhua News Agency, the head of the Ministry of Health indicated that “Falun Gong” propagated a series of conmanship, it’s wicked theories, and deviant ideas and had harmful impacts. People’s physical health would not be guaranteed and normal prevention, medical treatments, and health care would not be carried out if the wicked theories and deviant ideas were not eliminated. (From *People’s daily website*) <http://www.people.com.cn/item/flg/news/072512.html>

卫生部 2000 年卫生工作要点

一、1999 年卫生工作简要回顾

按照中央部署，卫生系统开展了“三讲”教育，提高了广大干部认真学习邓小

平理论和党的十五大精神以及坚持党的基本理论、基本路线、基本纲领的自觉性，增强了群众观念、全局意识和推进卫生改革的紧迫感与责任感。

在党中央的正确领导下，广大卫生工作者积极投身与“法轮功”邪教组织的斗争。在全国范围开展了向“爱民为民的好医生”吴登云同志学习以及“三下乡”等活动，推动了卫生系统的精神文明建设。

二、振奋精神，深化改革，依法行政，突出重点，做好 2000 年各项卫生工作

…要加强思想政治工作，落实党风廉政建设责任制。继续开展与“法轮功”邪教组织的斗争。以各项卫生工作的优异成绩迎接新世纪。

[http://www.moh.gov.cn/public/open.aspx?n\\_id=606&seq=0](http://www.moh.gov.cn/public/open.aspx?n_id=606&seq=0)

**Title: “The Key Points of 2000 Health Work by Ministry of Health” (from Ministry of Health official website)**

1. Brief review of year 1999 health work

According to the deployment of the Central CCP, the health system has carried out the “three talks” education, enhanced the cadres’ self-consciousness to study Deng Xiaoping theory, the spirit of the 15th CCP National Congress and insisting on the basic theory, basic line and basic principles of the Party.

Under the correct leadership of the CCP Central Committee, the workers in the health field actively involved in the struggle against “Falun Gong” evil cult organization.

Ministry of Health’s essential working points in the year of 2000.

a. A brief review on achievements of the Ministry of Health in 1999.

Under the guidance of the CCP central committee, the health system carried out the “Three Talks” education to enhance the cadres’ self-consciousness on studying Deng Xiaoping’s theory and the essence of the 15<sup>th</sup> CCP National Congress as well as insisting on the Party’s fundamental theories, guidance, and principles.

Under the correct leadership of the CCP’s central committee, professionals in the health system were actively involved in fighting with “Falun Gong” evil cult organization.

b. Heartening spirits, enhancing reform, implementing policies according to law, highlighting key points in order to do well on works in the health system.

… [We] should enhance our ideological and political work, and fulfill the policy on establishing Party’s integrity, continue our battle with “Falun Gong” evil cult organization, and step into the new century with our great achievements.

[http://www.moh.gov.cn/public/open.aspx?n\\_id=606&seq=0](http://www.moh.gov.cn/public/open.aspx?n_id=606&seq=0)

**EXHIBIT 7B**

## **The Medical Health Professions' Participation in the Concerted Effort Against Falun Gong**

Excerpts from Chinese News Reports

光明日报 1999-07-25 本报北京七月二十四日电 今天卫生部在京召开首都医务界专家座谈会，对李洪志利用群众强身健体的愿望，制造了一系列的歪理邪说，使不少人因生病不治而延误了病情，甚至失去了宝贵的生命，表示了极大的愤慨。专家们指出，与“法轮功”的这场斗争是一场严肃的政治斗争，党中央取缔“法轮功”这一非法组织是非常正确、非常及时的。<http://www.gmw.cn/01gmr/1999-07/25/GB/gm%5E18128%5E2%5EGM2-2511.htm>

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*Xinhua News Agency* reported on July 25, 1999. During the interview with a reporter from Xinhua News Agency, the head of the Ministry of Health indicated that “Falun Gong” propagated a series of conmanship, its wicked theories, and deviant ideas and had harmful impacts. People's physical health would not be guaranteed and normal prevention, medical treatments, and health care would not be carried out if the wicked theories and deviant ideas were not eliminated.

卫生部 2000 年卫生工作要点

Ministry of Health's essential working points in the year of 2000.

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按照中央部署，卫生系统开展了“三讲”教育，提高了广大干部认真学习邓小平理论和党的十五大精神以及坚持党的基本理论、基本路线、基本纲领的自觉性，增强了群众观念、全局意识和推进卫生改革的紧迫感与责任感。

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a. A brief review on achievements of the Ministry of Health in 1999.

Under the guidance of the CCP central committee, the health system carried out the “Three Talks” education to enhance the cadres’ self-consciousness on studying Deng Xiaoping’s theory and the essence of the 15<sup>th</sup> CCP National Congress as well as insisting on the Party’s fundamental theories, guidance, and principles.

Under the correct leadership of the CCP’s central committee, professionals in the health system were actively involved in fighting with “Falun Gong” evil cult organization.

二、振奋精神，深化改革，依法行政，突出重点，做好 2000 年各项卫生工作

…要加强思想政治工作，落实党风廉政建设责任制。继续开展与“法轮功”邪教组织的斗争。以各项卫生工作的优异成绩迎接新世纪。

[http://www.moh.gov.cn/public/open.aspx?n\\_id=606&seq=0](http://www.moh.gov.cn/public/open.aspx?n_id=606&seq=0)

b. Heartening spirits, enhancing reform, implementing policies according to law, highlighting key points in order to do well on works in the health system.

… [We] should enhance our ideological and political work, and fulfill the policy on establishing Party’s integrity, continue our battle with “Falun Gong” evil cult organization, and step into the new century with our great achievements.

**EXHIBIT 8A**

## Sample of Practitioners Tortured in China

Name	Address	Phone/ Email	Where persecuted/ Persecution Brief Summary
Chen, Gang	12 Log Cadin Rd. Sicklerville, NJ 08081	609-923-5987	Beijing, Tuanhe Labor camp years labor camp, beaten, force fed, 15 days without sleep, 1.5
Dai, Zhizhen	Australia		Husband was tortured to death
He, Lizhi	Toronto, Canada	416-265-1269	03/04/00, arrested at Tiananmen Square, Beijing for 3.5 years in Qianjin Jail. Forced labor. Sleep little. Brianwash. Jailed
Li, Jianhui	LEIL: 391, VEBJØRN TANDERGS VEI 7, 8076 BODØ, NORWAY	0047 98-847259 zhenzhen418@gmail.com	Guangdong Province in jail. Forced labor 16 hours a day in detention center. Beaten. Physical torture. Stay in sunlight in summer for 10 hours a day. 4 years
Lee, Charles			Nanjing City Prison in labor camp although he is an American. Forced labor. Brainwash. 3 years
Lin, Qian	Now in Thailand	66-58366839 qianlin@fastmail.fm	Guangdong Zhuoyuan was turtured to death. Husband' brother was sentanced 8 years in jail. Husband Rao
Lin, Shengli	Canada		Shanghai 730 days. Force to sit on a narrow object from morning to evening. Forced labor 12 hours a day. Labor camp
Liu, Jinghang	Australia	(612)8399-2337 bellhangqing@bigpond.com	Beijing in jail. Sleepless, forced labor, brainwash, 3 years
Wang, Xiaohua	Montreal, Canada	514-354-8356	Yunnan Province Labor Camp. More than 1 year labor camp, beaten, nude in police station and etc. Yuannan 2nd
Wang, Bin	Illinois	217-419-2474 bin.wang@secrechina.com	Beijing 1st detention center, Haidian Detention Center, Hunan Province Changsha Jail; Jailed for 3 years, beaten, brainwash, forced labor, more than 40 days with little sleep.
Wang, Yuzhi	3939 Phylip St. Burnaby, BC Canada	778-892-8999 pc100k@safe- mail.net	Beijing, and Harbin, HeilongJiang Province. Wanjia labor camp hospital Detained 6 months, beaten with baton, brainwash, forced fed
Zeng, Jeniffer	11/436 Liverpool Road, Croydon, NSW 2132, Australia	61-2-97971325 jenzeng@ozemail.com.au	Beijing, Labor camp shocked with two electric batons until lost consciousness. Brainwash. 6 month forced labor Beaten,

Name	Address	Phone/ Email	Where persecuted/ Persecution Brief Summary
Zhang, Mengye	Thailand	59480783 zh_mengye@outgun.com	(He was Hu Jintao's classmate). On January 14, 2000, sent to Guangzhou City No. 1 Forced Labor Camp (located in Chini Town, Huadu District, Guangzhou City). Detained there until February 10, 2002, a total of 2 years and 37 days. Sent to Huangpu "re-education center" for brainwash.
Zhang, Cui	Illinois	847-769-8892	Wuhan, Hubei Province; over 2 months in detention center, brainwash, forced labor, sitting without moving.
Zhang, Cuiying	Australia	612-9793-9634 zhangcuiying@exemail.com.au	Guangdong; 8 month in jail. Sent to male jail cell. Beaten. Force labor.
Zhao, Ming	Ireland	<a href="mailto:ming.zhao2005@gmail.com">ming.zhao2005@gmail.com</a>	Beijing; Nearly 2 years in Tuanhe Labor Camp, beaten, electric baton, brain wash
Zhou, Xuefei	733 Vinebrook Ln. Wuane, GA 30024-8344 USA	678-469-9879 zoezhou@epochtimes.com	Beijing, Guangdong prov 3 years in labor camp, Guangdong Province women force labor camp 1/17/2001-1/13/2004

**EXHIBIT 8B**

## My testimony

1. My name is Zheng (Jennifer) Zeng and I come from Mainland China. I was born on 19 October 1966 in Sichuan Province and graduated from Beijing University in 1991 with a Master of Science.
2. After giving birth in 1992, I had two haemorrhages. I lost a lot of blood and was critically ill. My life was twice in danger. I later caught hepatitis C from a blood transfusion and was left an invalid for more than four years.
3. I began to practise Falun Gong in 1997. After just one month of daily practice, it was discovered in a medical examination that my incurable hepatitis C had disappeared – as if it had ‘flown away’. My connection with hospital life ended and I approached life and work with renewed vitality.
4. On 20 July 1999, after learning that Falun Gong practitioners had been arrested throughout China, I went to the Appeals Office in Zhong Nan Hai with the intention of requesting the government to reconsider its attitude towards Falun Gong.
5. I was arrested by police officers in the street even before I reached the office and was detained in the Shi Jin Shan Sports Stadium for a day with over three thousand other Falun Gong practitioners.
6. On 26 December 1999 I went to the Beijing No. 1 Intermediate Court to listen to the trial of members of the Falun Dafa Research Association. I was arrested again when the police in the street outside asked me if I was a Falun Gong practitioner and I said ‘Yes’.
7. I was then sent by police officers from Yongdingmenwan Police Station in Chongwen District, Beijing (北京市崇文区永定门外派出所) to the Chongwen District Detention House in Beijing (北京市崇文区看守所) and was held for forty-eight hours. The police officer in charge of me was Xu, Jun(徐军). Under the instruction of Yang, Bin(杨斌), deputy director of Yongdingmenwan Police Station in Chongwen District, who was responsible for suppressing Falun Gong, Xu, Jun(徐军) was the one who escorted me

from where I was arrested back to Yongdingmenwan Police Station. He was also among the several police officers who sent me on to the Chongwen District Detention House .More than twelve hundred practitioners were arrested on the same day for the same reason.

8. On 18 February 2000 I was again arrested by police officers from Public Security Bureau in Chongwen District, Beijing (北京市崇文公安分局) for attending an experience-sharing gathering at a Falun Gong practitioner's house. One of the police officers was Ma ,Haiying (马海英).In order to get confession from me, Ma ,Haiying and Zhang ,Zhongqiang (张仲强), also a police officer from Public Security Bureau in Chongwen District, interrogated and tortured me for five days, including not allowing me to use the toilet, threatening me with the safety and my husband and daughter. They even actually took my husband, who was not a Falun Gong practitioner, to the detention house, to have him see me being tortured and threatened to arrest and detain him as well if I did not tell them the address of gathering of Falun Gong practitioners, or the organizer's names. Not being able to withstand the torture and threat, my husband revealed the address to them. He had been to the place to pick me up and drive me home at my request, although he did not attend the gathering. This time I was detained for twenty-eight days in Chongwen District Detention House and was released after my husband signed the bail document.
9. At about 2.00 a.m. on 13 April, I was awoken from my sleep at home, arrested and detained for the fourth time at the Chongwen District Detention House because of a letter I had written to my parents-in-law to explain why I wanted to continue practising Falun Gong. Again, Xu , Jun was the one who raided my home and arrested me, under the order of Yang , Bin.
10. The Public Security Bureau intercepted the letter when it was sent by e-mail. Because of this letter, I was sentenced without trial to one year's hard labour reform by Political and Law Office in Chongwen District, Beijing(崇文区政法办). This office operated under the instruction of the "610 office" in Chongwen District when dealing with Falun Gong related issues.
11. I was sent to Beijing Labour Camp Personnel Dispatch Centre in Da Xing County on 1 June 2000. At this dispatch centre I suffered from inhumane physical torture and mental torture and insults.

12. I was forced to squat motionlessly and continuously under the scorching sun when the temperature of the ground was over fifty degrees Celsius. The longest period lasted more than fifteen hours.
13. I was beaten, dragged along the floor and shocked with two electric batons until I lost consciousness when I insisted on my right to ask for a review of my labour camp sentence. The name of the two policewomen who beat and shocked me were Wang, Chao (王超) and Sha, Xuemei (沙雪梅).
14. I was forced to stand motionless with my head bowed, looking at my feet for sixteen hours every day, while repeatedly reciting out loud the insulting labour camp regulations.
15. The police and criminal inmates would shock me, curse me or force me to squat at any moment if I failed to do so. I was not allowed to speak any other words than the rules of the dispatch centre.
16. Because of the intense psychological pressure, I did not menstruate for eight months after I was sent to the labour camp. I only had one bowel movement every five or six days, and it was extremely painful.
17. All my rights and dignity as a human being were taken away. During the thirty-seven hottest summer days in the dispatch centre, I was never given any chance to shower, change or wash my clothes.
18. Every morning I was given only two minutes for washing my face, brushing my teeth and using the toilet. My pants were ripped when I was dragged along the floor. I had to wear the ripped pants with my hips exposed for more than two months.
19. I was sent to Beijing Xin'an Labour Camp in Da Xing County on 7 July 2000. In this camp I was subjected to constant mental pressure and torture.
20. As a Falun Gong practitioner, I was under endless pressure to sign a statement to denounce Falun Gong as soon as I arrived. I was watched twenty-four hours a day by criminal inmates, who were given the power to do anything they liked to me in order to

make me sign.

21. I was also forced to watch and listen to slandering attacks and lies about Falun Gong almost every day. I then had to write 'thought reports' to the police after each session.
22. I was forced to do all kinds of hard work when I was not watching or listening to the brainwashing materials. The work I did included planting trees and grass, transporting rubbish, digging caves for vegetable storage, knitting sweaters and seat cushions, and making toys, disposable infusion instruments and other articles.
23. Usually I was forced to work from 5.30 a.m. until 2.00 or 3.00 a.m. the next morning. Sometimes I had to work throughout the day and night to deliver the products on time.
24. Most of the products I made in the camp were exported to foreign countries. I had no Sundays or holidays. During the busiest days, I even dared not wash my hands after I went to the toilet because I could not afford to waste even a few minutes.
25. From February of 2001 I was forced to make promotional toy rabbits for Nestlé. The labour camp received an order of one hundred thousand pieces. Each rabbit needed more than thirty processes and at least ten hours to finish. The payment for each rabbit was only thirty Chinese, or six Australian, cents. The labour camp took it all while the labourers received nothing.
26. One of the cruellest methods used by the labour camp to 'reform' Falun Gong practitioners is sleep deprivation. I had the experience of having no sleep at all for three nights. After long periods of hard work and no rest, this kind of torture nearly made me insane.
27. After withstanding six months of suffering, I gave in and signed a statement to denounce Falun Gong. This action totally betrayed my own belief in 'truthfulness, compassion and forbearance' (the central principle of Falun Gong) and made me suffer greater mental, emotional and spiritual pain and trauma than murder and rape would have brought me.
28. But the torture did not end there. As soon as I signed, I was expected by the police to help them 'reform' others. I was forced to watch those who refused to sign and keep them awake for as long as four or five days and nights. I was forced to smile when I wanted to

cry. I had to write long essays to denounce my most cherished principles. I had to 'report my thoughts' to the police on a regular basis. I was on the point of totally breaking down on many occasions.

29. I was forced to undergo physical checks including blood test in the labour camp, together with other Falun Gong practitioners. We were never shown the results, or informed of the purpose of such tests.

30. The names of the police who have been involved in torturing me are Wang, Zhaofeng (王兆凤), Jiao, Xuexian (焦学先), Li, Jirong (李继荣), Li, JIng (李静), Shen, Yongsheng (申永盛), Cheng, Cuie(程翠娥), Han, Xiuying (韩秀英), Zhang, Ran 张然, Zhang, Sumin(张素敏), Ma, Jie(马捷), Cheng, Li (程莉), Zhang, Ruiming(张瑞明), Zhang, Qing (张清), Li, Xiaofang(李小芳), Liu, Yajun (刘雅君), Sun, Hui(孙惠), etc.

31. After I was released from the labour camp, I was again expected by the local police to go to the brainwashing classes to 'reform' my fellow practitioners. If I refused, I would be regarded as not having been 'reformed' and would be sent back to the camp immediately. I had to run away from my family only five days after I was released from the labour camp.

32. For four whole months after I was sent to the labour camp, my husband, no matter how desperately he tried, was unable to obtain any information regarding my whereabouts and did not even know whether I was dead or alive.

33. When he was finally allowed to visit me for the first time after four months, he could not stop his tears when he saw my greatly changed appearance. He could not even manage to drive home after the twenty minute visit and had to stop the car by the side of the road, lying speechless inside the car for a long time to relieve the pain.

34. My daughter was only seven years old when I was arrested. Besides the pain of losing her mother, she had to explain to her teachers and classmates where her mother was and why she chose to be a member of an 'evil cult'. After I was released, she tried to persuade me to give up Falun Gong using a book, supplied by her teacher, full of the most vicious words and lies about Falun Gong.

35. When I tried to tell her that her mother was innocent, she cried to me in despair, 'I know you are a good person but the TV says Falun Gong practitioners are bad people! I don't know who I should believe!' she was so terrified and puzzled.

36. My husband back in China was arrested in October 2002, four days after the announcement of my filing a lawsuit with UN against Jiang Zemin for the ruthless persecution of Falun Gong and was detained for one month. The suffering of my daughter, my in-laws and myself was beyond description during that month, given that none of us were given anything information as to his whereabouts, his conditions or how long he could be jailed. Although he was released on bail one month later through “big efforts” of his friends, he is still under monitor and must report to the police whenever he needs to leave Beijing;
37. My mother-in-law was diagnosed with cancer shortly after my husband’s release. The doctor said that the shock of my husband’s arrest was too much for her. She passed away on 9 September 2004.
38. I hereby call upon all international human rights organisations and governments to conduct an independent investigation into the situation of Falun Gong practitioners in Mainland China and urge the Chinese government to immediately stop such bloody suppression, which shames all humanity.
39. I am willing to take legal responsibility for the genuineness of the above statement.

07/05/05