

## **The Party's Genocidal Campaign against Falun Gong Believers in China.**

The evidence uncovered by the Human Rights Law Foundation strongly suggests that a genocide orchestrated and perpetrated by then-Party head, Jiang Zemin and his elite group of cohorts with the intent to destroy the Falun Gong population in all regions across China. Despite the agreement as to the particulars, *see e.g.*, "[Jiang Zemin and his Douzheng Campaign against Falun Gong](#)," there appears to be some uncertainty as to whether the violence perpetrated against believers in China constitute genocide.

### **The Definition of Genocide**

The Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention"), which the United States and China have ratified, defines the crime as: (1) the victims belong to a protected group (i.e., a national, ethnic, racial, or religious group), (2) the perpetrator/s committed one or more enumerated acts against members of the group, and (3) the perpetrators acted with the intent to destroy the protected group, in whole or in part. The enumerated acts are:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

All three elements are satisfied with respect to the violent suppression underway against Falun Gong believers in China.

### **Protected Group**

Falun Gong believers plainly qualify as one of the Genocide Convention's four protected groups: they are a distinct religious minority, designated by the Party no less deserving of violent suppression than are Tibetan Buddhists and Uyghurs. Indeed, the tenets and practice of Falun Gong comport exactly with the definition of religion offered by all Circuits Courts in the United

States, as concluded by the Honorable Judge Weinstein of the Eastern District Court of New York. *Zhang Jingrong v. Chinese Anti-Cult World All.*, 311 F. Supp. 3d 514 (E.D.N.Y. 2018).

### **Constitutive Acts**

Although the prototypical genocide has historically involved the first enumerated act in the Convention—“killing members of the group”—evidence of the mass killing of Falun Gong believers has not emerged to date, although evidence of extrajudicial killing has emerged in the form of [organ harvesting](#). Here as distinct from the Nazi genocide, for example, the constitutive acts, e.g., extensive mental and physical torture, disappearances, forced transfers, rape, and sexual violence committed against Falun Gong believers likely constitute genocide “by causing serious bodily or mental harm”—the second type of genocide recognized by the Convention. National legislation and international tribunal case law have expounded on the forms this serious harm can take. The U.S. genocide statute, for instance, includes here “the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques.” The International Criminal Tribunal for Rwanda (“ICTR”) elaborated upon this category of genocide in [Prosecutor v. Akayesu](#), finding that it encompasses both mental and physical torture and “can be caused by the enslavement, starvation, deportation and persecution . . . and by [the victims] detention in ghettos, transit camps and concentration camps in conditions which were designed to cause their degradation, deprivation of their rights as human beings, and to suppress them and cause them inhumane suffering and torture.” Many of these ways to cause serious physical or mental harm—including forced conversion through torture, persecution, and detention in degrading and inhumane prisons and re-education through labor camps—describe China’s treatment of Falun Gong detainees in China. *See, e.g.*, HRLF Report on the Status of Falun Gong, Tibetan Buddhist and Muslim Uyghur Believers in China, at 1-3 (wrongful detention); at 5-6 (torture); and at 8-10 (murder, extermination, forced disappearance).

Likewise, the deplorable living conditions of incarcerated believers may constitute genocide by “deliberately inflicting conditions of life calculated to bring about [their] physical destruction”—the third form of genocide. In particular, the CCP’s failure to provide adequate food, shelter, sanitation, and medical care to Falun Gong detainees are analogous to the conditions defined as “slow death” by the International Criminal Tribunal for the former Yugoslavia in [Prosecutor v. Tolimir](#) as the “lack of proper food, water, shelter, clothing, sanitation, or subjecting members of the group to excessive work or physical exertion.”

### **Genocidal *Mens Rea* (the Mental State)**

The biggest challenge to establishing the commission of genocide is the mental state requirement that the perpetrator(s) not only intend to commit the underlying act(s), but that the acts are committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. Explicit articulations of intent are relatively rare, and thus genocidal intent must often be inferred based on “all of the evidence, taken together” and that inference must be “the only reasonable one available on the evidence,” as noted by the ICTY in *Tolimir*. As summarized by the Yugoslav tribunal, relevant factors for such an analysis include the general context, systematically perpetrating other culpable acts against the group, the scale of atrocities, and the repetition of destructive and discriminatory acts. Furthermore, “[t]he existence of a plan or policy, a perpetrator’s display of his intent through public speeches or meetings with others may also support an inference” of the required genocidal intent.

In the case of China’s treatment of Falun Gong believers in China, while few explicit statements of intent have emerged, a number of clear indicators of such intent are present. For example, the general context of the violence, including the scale of the atrocities, number of victims, the repetition of culpable acts, and gravity of the harm caused all point to genocidal intent. Further, the overall evidence confirm that the genocidal acts are born of methodical planning on China’s part, with culpability going all the way to the top of Chinese and Party leadership. As [HRLF’s Expert Report](#) describes it, based on there exists a “coordinated state campaign to promote ... subject believers to a “douzheng” campaign, a violent suppressive campaign that always involves:

- The decision to target a specific group as an “enemy” or “evil cult” is always made by the Party. The Anti-Rightist campaign in 1957, which targeted 550,000 “rightists” (this is the official number, unofficial estimates have placed the number at two million), was initiated by the Party. During the Cultural Revolution, all the instructive documents were issued under the name of the Party Central Committee.
- Following a positive decision, the group to be targeted is identified with carefully crafted rhetorical language branding it as an enemy of both the Party and the “People,” and as opposed to Party ideology (cast as the truth).
- The initiation of the crackdown is signaled and implemented through the use of Party language and especially the imperative verb “douzheng,” defined in this context as the “unlawful torture and persecution” of said group.
- Other persecutory terms like “jiepi” (to expose and criticize) and “zhuanhua” (to ideologically convert) are also commonplace phrases used by the Party to single out groups and their members for “special treatment.”

- Flagship media in China, such as the People’s Daily newspaper and the China Central Television (“CCTV”) evening news broadcast, and Party ideology journals spread the word to ensure that the designated group is a known Party enemy or evil cult.
- Special and general security forces are mobilized – including special Party forces (such as the 610 officers used by the Party to torture and violently suppress Falun Gong) and general police forces operating under the aegis of the Party – to identify, round up, arbitrarily detain, and physically and mentally abuse individual members of the “group.” The ideal aim is to force so-called “enemies” to renounce their group identity and beliefs and “join forces” with the Party to attack other members of the targeted group, using the same methods.
- This final step is what is referred to as “zhuanhua” or “forced conversion.” Individuals refusing to be “forcibly converted” are subjected to ever increasing violence and, in many instances, death.

As the same expert [HRLF Report](#) makes clear in 1999, then Party leader, Jiang Zemin, called for the implementation of a widespread persecutory “douzheng” campaign against Falun Gong in China to violently suppress believers across China. In addition to providing the framework for the violent suppression of Falun Gong by defining its purpose as the “douzheng” and elimination of Falun Gong believers, Jiang Zemin’s [June 1999 instructions](#) gave intra-Party authority to the “Leadership Team to Handle Falun Gong” (“Leadership Team”) and its “610 Office” to develop specific strategies and methods for its immediate implementation. *Id.*

Party organizations across the nation similarly supported and reiterated Jiang Zemin’s calls to “douzheng” Falun Gong. According to currently available records found on Party websites, Party committees across the nation initiated conferences, seminars, and forums to study the Party Central Committee’s notices containing Jiang Zemin’s speeches which call for the “douzheng” against Falun Gong. These committees strongly voiced their support and took actions to advance the “douzheng” campaign. Flagship media in China, such as the People’s Daily newspaper and the China Central Television (“CCTV”) evening news broadcast, Party ideology journals, spread the word to ensure that Falun Gong would be subjected to “douzheng” as a known Party enemy (and evil cult). In addition to calling for a “douzheng” against Falun Gong, their polemic – mirroring that used during the Holocaust to ensure the violent elimination of the Jewish population in Europe – compared Falun Gong believers to subhuman viruses, epidemics, vermin, parasites, demons, psychopaths, and state enemies. After the increased global focus on terrorism in 2001, persons identified as Falun Gong were additionally labeled as “terrorists.” In one representative incident, the China Anti-Cult Association, another Party-run organization closely tied to the persecution of Falun Gong, published and adopted comments explicitly acknowledging the strategy of demonizing Falun Gong in order to justify their

elimination (“I say that we first define it as terrorist so that any necessary measures are justified”). See [HRLF’s Expert Report](#).

At the same time, many Party officials who heard about or read the speech not only transmitted Jiang Zemin’s order to subject Falun Gong to a violent suppressive campaign, but also played a major role in ensuring that Falun Gong became the latest target of “douzheng,” through their own use of “douzheng” in their speeches, policy papers, and/or written instructions. Their instructions and commands to subject Falun Gong believers to “douzheng” reached the courts, the procuratorate, labor camps, and detention centers, as did the flagship media and widespread propaganda. An illustration of the role of some of the major perpetrators in not only transmitting but also ensuring the widespread “douzheng” of Falun Gong is available. See [HRLF Expert Report](#). As a former 610 officer stated under oath, the above “chain of command” operated in tandem in regions across China. Likewise, “chain of command” instructions and orders to subject Falun Gong to “douzheng” were transmitted to Chinese security, who subjected Falun Gong to ideological conversion through torture (“zhuanhua”) and other egregious abuses at re-education through labor and other detention centers in China. See also, [Pomfret, Torture is Breaking Falun Gong](#) (the well-coordinated campaign comprising propaganda, brainwashing, and severe torture was initiated in 2001 after years of trying to eliminate the group without success); and the [Speech of Li Lanqing](#) (identifying the state and party apparatus used to eliminate the group and purge China of Falun Gong).

## **Conclusion**

Taken together, the entire program of persecution undertaken against Falun Gong believers in China strongly suggests a desire and willful intent to purge China of the religion and its believers minimally “by causing serious bodily or mental harm,” the second type of genocide recognized by the statute; and “by deliberately inflicting conditions of life,” the third type of genocide the statute recognizes.

By,

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