

DANGEROUS MEDITATION

China's Campaign Against Falungong

Human Rights Watch

New York · Washington · London · Brussels

Copyright © January 2002 by Human Rights Watch.
All rights reserved.
Printed in the United States of America.

ISBN 1-56432-270-X
Library of Congress Catalog Card Number: 2002100348

Cover photos:

In August 2001 a Chinese court sentenced four persons whom the government alleged to be Falungong members to between seven years and life imprisonment for organizing a mass suicide attempt. Falungong spokespersons have denied practitioners had any association with the incident. (c) 2001 AFP Photo/Xinhua

Falungong practitioners exercise during a candlelight vigil in Hong Kong.
(c) 2001 AFP Photo/Frederic J. Brown

Cover design by Rafael Jiménez

Addresses for Human Rights Watch
350 Fifth Avenue, 34th Floor, New York, NY 10118-3299
Tel: (212) 290-4700, Fax: (212) 736-1300, E-mail: hrwnyc@hrw.org

1630 Connecticut Avenue, NW Suite 500, Washington, DC 20009
Tel: (202) 612-4321, Fax: (202) 612-4333, E-mail: hrwdc@hrw.org

33 Islington High Street, N1 9LH London, UK
Tel: (44 20) 7713-1995, Fax: (44 20) 7713-1800, E-mail: hrwuk@hrw.org

15 Rue Van Campenhout, 1000 Brussels, Belgium
Tel: (32 2) 732-2009, Fax: (32 2) 732-0471, E-mail: hrwbe@hrw.org

Web Site Address: <http://www.hrw.org>

Listserv address: To subscribe to the list, send an e-mail message to hrw-news-subscribe@igc.topica.com with "subscribe hrw-news" in the body of the message (leave the subject line blank).

Human Rights Watch is dedicated to
protecting the human rights of people around the world.

We stand with victims and activists to prevent
discrimination, to uphold political freedom, to protect people from inhumane
conduct in wartime, and to bring offenders to justice.

We investigate and expose
human rights violations and hold abusers accountable.

We challenge governments and those who hold power to end abusive practices
and respect international human rights law.

We enlist the public and the international
community to support the cause of human rights for all.

HUMAN RIGHTS WATCH

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. Our reputation for timely, reliable disclosures has made us an essential source of information for those concerned with human rights. We address the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. Human Rights Watch defends freedom of thought and expression, due process and equal protection of the law, and a vigorous civil society; we document and denounce murders, disappearances, torture, arbitrary imprisonment, discrimination, and other abuses of internationally recognized human rights. Our goal is to hold governments accountable if they transgress the rights of their people.

Human Rights Watch began in 1978 with the founding of its Europe and Central Asia division (then known as Helsinki Watch). Today, it also includes divisions covering Africa, the Americas, Asia, and the Middle East. In addition, it includes three thematic divisions on arms, children's rights, and women's rights. It maintains offices in New York, Washington, Los Angeles, London, Brussels, Moscow, Dushanbe, and Bangkok. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Reed Brody, advocacy director; Carroll Bogert, communications director; John T. Green, operations director; Barbara Guglielmo, finance director; Lotte Leicht, Brussels office director; Michael McClintock, deputy program director; Patrick Mingos, publications director; Maria Pignataro Nielsen, human resources director; Malcolm Smart, program director; Wilder Tayler, legal and policy director; and Joanna Weschler, United Nations representative. Jonathan Fanton is the chair of the board. Robert L. Bernstein is the founding chair.

The regional directors of Human Rights Watch are Peter Takirambudde, Africa; José Miguel Vivanco, Americas; Sidney Jones, Asia; Elizabeth Andersen, Europe and Central Asia; and Hanny Megally, Middle East and North Africa. The thematic division directors are Joost R. Hiltermann, arms; Lois Whitman, children's; and LaShawn R. Jefferson, women's.

The members of the board of directors are Jonathan Fanton, Chair; Robert L. Bernstein, Founding Chair, Lisa Anderson, David M. Brown, William Carmichael, Dorothy Cullman, Gina Despres, Irene Diamond, Fiona Druckenmiller, Edith Everett, Michael Gellert, Vartan Gregorian, Alice H. Henkin, James F. Hoge, Jr., Stephen L. Kass, Marina Pinto Kaufman, Wendy Keys, Bruce J. Klatsky, Joanne Leedom - Ackerman, Josh Mailman, Joel Motley, Samuel K. Murumba, Jane Olson, Peter Osnos, Kathleen Peratis, Catherine Powell, Bruce Rabb, Sigrid Rausing, Orville Schell, Sid Sheinberg, Gary G. Sick, Malcolm Smith, Donna Stanton, John Studzinski, Maureen White, Maya Wiley. Emeritus Board: Roland Algrant, Adrian DeWind, and Malcolm Smith.

ACKNOWLEDGEMENTS

This report was written by Mickey Spiegel, research consultant to the Asia Division of Human Rights Watch. Joseph Saunders, deputy director of the Asia Division; Sidney Jones, the division's executive director; Malcolm Smart, Human Rights Watch program director; and Jim Ross, senior legal advisor, edited the report. Elizabeth Weiss, Fitzroy Hepkins, Veronica Matushaj, and Patrick Minges provided production assistance. A very special thank you goes to Julia Zuckerman, an indefatigable volunteer whose research talents and endless patience in locating and organizing documentation were invaluable.

TABLE OF CONTENTS

I. SUMMARY AND RECOMMENDATIONS	1
Executive Summary	1
Note on methodology	5
Recommendations	5
To the Chinese government	5
To the Hong Kong government	7
To the international community	7
To corporations doing business in China	7
II. WHAT IS FALUNGONG?	8
The Membership	12
Freedom of Belief in China	14
III. DEFIANCE AND RESPONSE: A CHRONOLOGY	17
IV. ZHANG KUNLUN -- AN ILLUSTRATIVE CASE	44
Analysis	50
V. FALUNGONG IN CUSTODY: COMPETING ACCOUNTS	53
Judicial Prosecutions	53
Reeducation through Labor; Transformation Centers	56
Death in Custody, Torture and Other Ill-treatment	58
Psychiatric Incarceration	62
VI. FALUNGONG OUTSIDE MAINLAND CHINA	64
Falungong in Hong Kong	64
Falungong Elsewhere in Asia	72
Thailand	72
Singapore	73
Japan	74
Australia	75
Taiwan	75
Falungong in the West	76
Europe	77
Canada	79
United States	79
United Nations	83
VII. ANALYSIS OF THE GOVERNMENT RESPONSE	85
Why Eradication?	85

A “rule of law” veneer	91
VIII. CONCLUSION	95
APPENDIX I: REEDUCATION THROUGH LABOR IN CHINA	98
APPENDIX II: LAWS AND REGULATIONS USED TO CRACK DOWN ON FALUNGONG	103
Social Organizations Regulations	103
The Assembly Law and Implementing Regulations	105
Public Order Regulations	106
The PRC Criminal Law	108
State Secrets and State Security Laws	110
Laws Governing Electronic and Print Media	112
Internet Regulations	113
APPENDIX III: A LETTER FROM ZHANG KUNLUN TO BRIGADE LEADER LIANG JUNLING	117

“Falungong is an anti-scientific, anti-human, anti-social, anti-government and illegal organization with all the characteristics of an evil religion.”
Chinese Ministry of Foreign Affairs, August 1999

I. SUMMARY AND RECOMMENDATIONS

Executive Summary

Since 1999, Falungong practitioners have been the target of an aggressive and often violent crackdown by the Chinese government, one aspect of much broader tightening of controls on individuals and organizations whose activities China’s leaders perceive as threatening to Chinese Communist Party control. The past two years have witnessed a deterioration in civil liberties nationwide, with disparate groups—political dissidents, foreign scholars, labor organizers, religious believers worshiping outside official aegis, activists in Tibet and Xinjiang, Internet users, academics, and editors whose messages challenge the Party line, among others—facing new restrictions and abuses. The crackdown on Falungong is both symptomatic of the larger trend and significant in its own right for the vehemence with which the authorities have moved to eradicate the organization and “reeducate” its members.

Falungong is a modern variant of ancient Chinese practices of exercise, deep breathing, and meditation, collectively known as *qigong*, that enthusiasts claim promotes physical, mental, and spiritual well-being by enhancing the flow of vital energy through a person’s body. There is no question that Falungong promotes salvationist and apocalyptic teachings in addition to its qigong elements. Despite its own protestations to the contrary, it also has a well-organized and technologically sophisticated following and has deliberately chosen a policy of confrontation with authorities. But the confrontations have been peaceful. Apart from those held in connection with the self-immolation suicides in Beijing in January 2001, none of the tens of thousands of Falungong practitioners detained, arrested, or convicted have been held in connection with violent actions or threats of violence. Instead, their “crime” is their belief in Falungong and their efforts to promote the practice. As such, their treatment violates fundamental rights – freedom of conscience and belief, freedom to associate with others who share one’s beliefs, and freedom to exchange information within and across borders.

This report provides a comprehensive account of the emergence of Falungong in China and the government’s response, with particular emphasis on events since the mass Falungong demonstration on April 25, 1999 outside Zhongnanhai, the compound in Beijing housing China’s leaders. The report sets forth a detailed chronology of major developments as well as analysis of existing data, much of it flawed, on who is in custody in prisons, reeducation through labor camps, psychiatric institutions, and other incarceration facilities and how they have been

treated. Additional chapters address how the crackdown by Chinese authorities on Falungong practitioners has spread beyond the mainland to Hong Kong and other countries, and analyze some of the key reasons for the Chinese government's vehement response to Falungong. Two aspects of the Chinese response are highlighted: the decision to ban Falungong and make its eradication a national priority, and the decision to craft a series of laws and legal decisions, explanations, and interpretations to justify and implement the crackdown, a development that has much to say about Chinese authorities' manipulation of the legal system.

A separate chapter is devoted to the case of Zhang Kunlun, now living in Canada, but detained in China four times between June 30, 2000 and January 10, 2001. On one occasion he was beaten and tortured until he said he "lost his mind"; throughout his time in custody, he was subjected to threats and other forms of psychological coercion aimed at inducing him to abandon his Falungong beliefs. The case concretely illustrates many aspects of the Chinese government's response to Falungong, including the considerable attention local authorities have paid to those they evidently consider "leading members" of the movement who might be induced to repent and provide evidence against more serious "backbone elements." The case also illustrates the mounting frustration of the Chinese leadership in the face of Falungong members' tenacity, and the government's reliance on the administrative, extrajudicial reeducation through labor system despite its repeated insistence that its response demonstrates a commitment to the rule of law.

The emergence of Falungong in May 1992 was part of a nationwide resurgence of membership in qigong groups that began during the 1980s as many of the tight controls that marked the Cultural Revolution (1966-76) were lifted. In 1989, the official China Qigong Scientific Research Association announced that "one in twenty Chinese...now practices qigong." Falungong, founded by Li Hongzhi, was probably the most successful of the affiliates in the early 1990s. Although details are sketchy, there is evidence of tensions between Falungong leaders and authorities as early as 1994, and, by 1998, Li had settled in the United States. The April 25, 1999 10,000 person Falungong rally changed a de facto government policy of tolerance to a campaign of suppression. By July 1999, Chinese authorities had banned Falungong; by October they had declared it an "evil cult." The stream of detentions and arrests that began immediately after the mass rally was continuing as of this writing.

In one sense, there is nothing new about the Chinese Communist Party's response to Falungong. For hundreds, if not thousands, of years, quasi-religious mass organizations have emerged at irregular intervals to challenge China's rulers. For hundreds of years, China's rulers have viewed as politically most threatening those that combine elements of charismatic leadership, a high degree of organization, and mass appeal. They have labeled such organizations "heretical cults" or "sects" and moved forcefully to eradicate them. The 1900 Boxer Rebellion

is only one of many well-documented examples. The decision to label Falungong a “cult” is thus a political one, with potentially far-reaching political consequences. Many of the methods used during the crackdown also echo earlier efforts by the Chinese Communist Party, beginning shortly after it took power, to eradicate religion and, when that proved impossible, to organize and control it.

Official Chinese sources have cited many factors in support of their decision to label Falungong (or Falun Dafa as practitioners prefer) a cult, among them the organization’s hierarchical structure and the notion that U.S.-based Falungong leader Li Hongzhi—“Master Li” to his followers—will be the savior of mankind. Chinese officials claim that Li’s followers are willing to follow his instructions blindly “even to death.” The reference originally was to Li’s suggestion that the health benefits of “cultivation,” as practitioners call their exercise-meditation and spiritual regime, would obviate the need for medical treatment. But the January 23, 2001 self-immolation attempts by seven alleged Falungong members in Tiananmen Square, Beijing’s most important public space, gave the government new ammunition for its arguments.

China’s leaders pointed also to Falungong’s alleged disruption of public order, stability, and social ethics; to its anti-scientific beliefs that Chinese authorities claimed would hinder China’s march to economic development and increasing global influence; and to its flouting of Chinese law. They stressed Falungong’s political aspects and purported collusion with “anti-China forces abroad” and enemies within, including advocates of Taiwan and Tibet independence. At the same time, as already noted, the Chinese leadership claimed to have followed strictly legal methods in dealing with the Falungong threat. The record, however, shows something very different.

Although the analysis provided here is necessarily provisional and far from complete, serious human rights violations—including restrictions on freedom of thought, belief, and expression, wrongful detention, unfair trials, torture, and deaths in custody—have accompanied the Chinese government response to Falungong. China does not allow independent monitors in prisons and reeducation camps and has made it too dangerous for family members, friends, or workmates to speak with journalists or other outsiders except under strictly controlled conditions. Despite this fundamental limitation, there is substantial evidence that, since Falungong was officially banned in July 1999, tens of thousands of practitioners have been temporarily detained and thousands have routinely been sentenced to administrative “reeducation through labor” terms as long as three years. A marked discrepancy exists between Falungong and Chinese explanations for deaths in custody and accounts of treatment of inmates in prisons, reeducation camps, and other facilities, but there is substantial evidence that torture and other abuses are common during “transformation” sessions in at least some of the facilities.

Far fewer individuals—government figures as of August 2001 admit to some

350; Falungong sources as of April 2001 list 260—have been judicially prosecuted. Although Chinese government public relations materials have repeatedly alleged that Falungong leaders purposefully delude followers into committing irrational and dangerous acts, such as refusing medical treatment, there is little evidence that more than a handful of Falungong adherents have been tried on such charges. Until mid-2001, prison sentences, ranging from three to eighteen years, appear to have been reserved almost exclusively for key Falungong leaders; for those involved in large-scale printing, publication, and distribution of Falungong materials for use within China; and for those who publicize abuses to an overseas audience. By August 2001, however, after intense government pressure had shut down such activities, prison sentences, in the most severe cases up to thirteen years, were imposed on individuals charged with organizing the printing of leaflets and banners, using the Internet to circulate Falungong materials, or arranging meetings of practitioners. One alleged practitioner received a life sentence for his part in organizing the self-immolation incident in January 2001.

The struggle by Chinese authorities against Falungong has not been limited to the Chinese mainland but has spilled over to Hong Kong and countries in Asia and the West. Falungong leaders have sought leverage and legitimacy by urging governments in the West and throughout Asia to express outrage at China's human rights violations and to pressure the Chinese leadership to reverse its ban. With the crackdown underway and the possibility that Falungong's visibility within China would wane, its leaders have also promoted the growth of the movement in countries outside China to demonstrate Falungong's continued vitality and effectiveness.

In spite of Falungong's extraordinarily skillful advocacy campaign and the risks ethnic Chinese practitioners living outside China have been willing to take, neither effort has been entirely successful. China responded to Western condemnation with accusations of interference, collusion, and ignorance of the danger Falungong presented to China and to individual practitioners. In Asian cities—Hong Kong, Singapore, Bangkok, Tokyo—where a vibrant Falungong presence might have helped sustain the movement, China went on the diplomatic offensive.

Foreign governments generally have been unwilling or unable to do much in the face of the Chinese crackdown on Falungong beyond providing rhetorical defense for practitioners' basic rights. In some cases, foreign governments have responded to Chinese government pressure by turning their backs on reports of abuses, denouncing Falungong, or, in isolated instances, limiting Falungong members' freedom of association and expression in their own countries. In Hong Kong, the government, caught between responding to pressure from Beijing and demonstrating its autonomy, has characterized Falungong as an "evil cult" that bears watching, but has refrained from enacting any laws that would shut it down.

In other parts of Asia, treatment of Falungong appears to be emerging as an important test of governments' commitment to civil liberties in view of the presence of small, unpopular, but vocal Falungong communities in many countries in the region and China's policy of demanding that such communities be silenced as a precondition to good relations.

As of this writing, it appears that the Chinese government has succeeded in thinning the numbers of Falungong practitioners within China. Those still committed to keeping the movement alive have, for the most part, gone underground.

Note on methodology:

Almost all the information available to Human Rights Watch comes from either official Chinese government (such as Xinhua, the official news agency; *People's Daily*; or Zhongguo Xinwen She, an official news service for overseas Chinese) or Falungong sources, both of which obviously have a stake in releasing data that supports their respective claims. In most cases, the accounts are inconsistent. However, the often conflicting versions together give a picture of the scope of the crackdown. In cases where competing accounts of the same events are available, we have noted the discrepancies in order to illustrate the claims each is presenting. Reliable firsthand reports of the treatment meted out to Falungong practitioners in China have been almost impossible to obtain. Human Rights Watch's lengthy telephone interviews with Zhang Kunlun, described in detail in Chapter IV below, corroborates much of what we learned from our analysis of other materials.

Recommendations

To the Chinese government:

- C Immediately release from detention and incarceration all Falungong followers held for peaceful practice of their beliefs.

- C Permit the resumption of public and private Falungong practice.

- C Remove all mention of "superstitious sects," "secret societies, and "evil religious organizations" (Article 300) from the PRC Criminal Law; rescind subsequent interpretations, decisions, and explanations relevant to article 300, and bring other laws and regulations into conformity with the revisions. Human Rights Watch recognizes that individual members of a spiritual group may properly be punished for acts that directly endanger the health and safety of others. A general criminalization of belief, opinion, and expression, however, contradicts international human rights standards. Article 300, as

demonstrated in its application to Falungong practitioners, fails to distinguish between belief and dangerous act.

- C Abolish the inherently arbitrary reeducation through labor system to allow anyone who has been deprived of his liberty the right a court hearing and due process.
- C Re-issue invitations to the U.N. Special Rapporteur on Torture and the Special Rapporteur on Religious Freedom to visit China on terms consistent with their mandates.
- C Permit domestic and foreign observers to attend all trials including those of Falungong practitioners as provided for under international human rights standards.
- C Implement the recommendations of the U.N. Committee against Torture, endorsed by the Special Rapporteur, including: revision of the definition of torture in domestic law so that it fully complies with the definition in the Convention Against Torture; investigation of all allegations of torture in an impartial and thorough fashion; and abolition of regulations requiring permission before a suspect in custody may see a lawyer.
- C Amend the "Regulations on the Registration and Management of Social Organizations" and revise the "PRC Law on Assembly, Procession and Demonstration" to eliminate clauses that allow for politically motivated vetting of applicants.
- C Revise the PRC Law on Protecting State Secrets so as to limit the scope of information deemed secret in line with international free expression standards.
- C Revise regulations that effectively censor the media and the Internet and that interfere with the freedom to seek, receive, and impart information in accordance with international human rights standards.

To the Hong Kong government:

- C Do not deny visas or otherwise deny entry on the basis of Falungong affiliation.
- C Reject pressure from Beijing to restrict Falungong practitioners' rights to freedom of association and assembly.

- C Oppose the enactment of any anti-subversion law that is inconsistent with international human rights standards on the rights to free assembly, association, and expression. In no case should such legislation permit punishment of individuals for peaceful expression of their beliefs or views or for dissolution of the organizations to which they belong.

To the international community:

- C Resist Chinese government pressure to deny asylum or refugee status to all Falungong practitioners; rather treat each case on its merits.
- C Accord Falungong practitioners the right to free assembly as provided for under international human rights standards.
- C Human Rights Watch urges the international community to continue to speak out against China's deplorable human rights record, including its treatment of Falungong practitioners, particularly through support for a resolution at the 2002 March-April meeting of the U.N. Commission on Human Rights.

To corporations doing business in China:

- C Refrain from assisting Chinese authorities in imposing censorship on websites or on other Internet-related material in China such as e-mail.
- C Refrain from complying with demands by Chinese authorities to fire or discipline workers for Falungong practice or related activities protected by international law.

II. WHAT IS FALUNGONG?

Falungong is a form of qigong, an ancient Chinese deep-breathing exercise system sometimes combined with meditation that enthusiasts claim promotes physical, mental, and spiritual well-being by enhancing the flow of vital energy through a person's body. It also includes elements of popular Buddhism and Daoism and offers followers a road to salvation.¹

Membership in qigong groups surged during the 1980s as many of the tight controls that marked the Cultural Revolution period (1966-76) were lifted. In 1989, the official China Qigong Scientific Research Association, established in 1985, announced that “one in twenty Chinese—both old and young, strong and weak—now practices qigong.”² Its popularity continued through the 1990s as the official association sponsored research into the scientific components of qigong, applauded its proven health benefits and traditional Chinese roots, and championed proselytization by its numerous affiliate groups.

Falungong, founded by Li Hongzhi in May 1992, was probably the most successful of the affiliates. The China Qigong Scientific Research Association approved the Falungong Research Branch Society for membership as a direct-affiliate branch the following year. Li, whose title became Direct-affiliate Qigong Master, continued to teach Falungong training seminars in Beijing and the northeastern provinces, his home base, under the auspices of local branches of the association until September 1994. The relationship between Li and the association soon deteriorated and the affiliation was eventually terminated, although the exact sequence of events and reasons for termination remain unclear. Li continued to teach Falungong for a time, both in China and overseas, finally settling in the U.S. in 1998.

Falungong did not officially withdraw from the China Qigong Scientific Research Association until 1996. During 1994-96, it had tried to ensure its legality and independence and to establish its credentials as more than an exercise group through registration as a social organization. After it applied unsuccessfully in turn to the National Minorities Affairs Commission, the China Buddhist Association, and the United Front Department, the work units of the six individuals who signed the applications warned them that all registration efforts must stop. As a result, Falungong spokespersons said, Falungong decentralized its organizational structure,

¹ From a human rights perspective it is irrelevant whether Falungong is termed a “cult,” a “sect,” a “heretic” organization, etc. What is critical is that individuals not be punished for the substance of their beliefs.

² “Fitness and Health Through Qigong,” *Beijing Review*, Volume 32, No.17, April 20-24, 1989, pp. 20-24.

and local groups affiliated with branches of China's sports administration.³

In 1996, Falungong suffered a second setback in its efforts to gain legal recognition when the government's Press and Publications Administration issued a "Notice Concerning the Immediate Confiscation and Sealing Up of Five Kinds of Books, including *China's Falun Gong*."⁴ In banning the five Falungong publications, the notice cited another Press and Publications Administration document, the "Notice Concerning the Banning of Books That Propagate Ignorance and Superstition." The sanctions were extended in 1998-99.

These setbacks did not impede Falungong's growth. Neither did quiet objections from some officials, academics, and journalists who as early as 1996 questioned Falungong's belief structure and quasi-religious character, its "anti-scientific nature," alleged anti-modernization outlook, and willingness to defy Chinese authorities. Even alarm at the number of practitioners, some forty million at the end of 1998 by government count, did not stifle Falungong's ability to organize.⁵ Part of the reason stemmed from officials' fear that by openly challenging it, the government would be compelled to consider whether Falungong was a religion. Opening that debate would force the Chinese leadership to confront its policy of recognizing only Buddhism, Daoism, Catholicism, Islam, and Protestantism as legitimate faiths.⁶ The official indecision allowed Falungong to quietly confront open challenges and usually to extract apologies for derogatory remarks. In 1996, for example, when *Enlightenment Daily*, a newspaper with a major interest in cultural matters, critiqued Li Hongzhi's work, a Falungong protest at the paper secured a retraction. In 1998, when He Zuoxiu, a renowned physics professor and implacable foe of all kinds of superstition, of which he considered Falungong one, criticized the group in an interview on Beijing Television, a protest

³ James Tong, "Behind the Falungong Facade: Organizational Structure and Finance," unpublished article, September 2000 (copy on file at Human Rights Watch).

⁴ "Notice Issued by the Press and Publication Administration of the People's Republic of China: A Reiteration of Opinions Concerning the Disposal of Falun Gong Publications," *Chinese Law and Government*, Volume 32, No.5 (issue titled "The Battle Between the Chinese Government and the Falun Gong," Ming Xia and Shiping Hua, eds.), September-October 1999, pp. 29-30. The notice originally was published in the *People's Daily, Overseas Edition*, July 24, 1999, p. 3.

⁵ "Falungong, Part 2: A rude awakening," Francesco Sisci, *Asia Times Online*, January 2001.

⁶ For details, see Ian Johnson, "A Blind Eye: China's Rigid Policies on Religion Helped Falun Dafa for Years --- Then a Buddhist, an Atheist and Group's Own Tactics Sparked the Crackdown --- A Bureau Called Office 610," *Wall Street Journal*, December 13, 2000.

at the station by some 2,000 practitioners succeeded in securing a retraction and a subsequent favorable report.

It should be noted that Falungong is not the only qigong organization that has come under attack since the late 1990s. The Chinese government began dismantling one of the largest, Zhonggong, in December 1999, later declaring it an "evil cult," banning it, and seizing its assets.⁷ From the time its leader, Zhang Hongbao, surfaced in Guam and requested asylum in the United States, the Chinese government fought unsuccessfully for his return.⁸ The Chinese government has continued to arrest and sentence Zhonggong members since Zhang's petition for asylum was granted in June 2001.⁹

Practitioners say Falungong is a higher or advanced form of qigong.¹⁰ Its exercise regimen is said to deliver greater health benefits than other qigong systems and its belief system, emphasizing truthfulness (*zhen*), compassion (*shan*), and forbearance (*ren*), is said to encourage the highest standards of moral behavior and

⁷ Oliver August, "Chinese target new spiritual group," *The Times of London*, December 6, 1999; Charles Hutzler, "China moves against exercise group in Falun Gong-like crackdown," Associated Press Newswires, January 31, 2000; John Leicester, "China wages silent war on health, meditation groups," Associated Press Newswires, April 24, 2000; "China Said To Confiscate Assets Of Banned Meditation Sect," Dow Jones International News, September 8, 2000; Vivien Pik-Kwan Chan, "100 Zhong Gong offices shut down," *South China Morning Post*, February 2, 2001.

⁸ "China demands repatriation from USA of Zhong Gong founder," BBC Monitoring, September 23, 2000, from Xinhua, September 23, 2000; "China demands USA return Zhong Gong sect leader," BBC Monitoring, April 20, 2001, from Xinhua, April 20, 2001; "China urges USA to repatriate banned sect leader," BBC Monitoring, June 14, 2001, from Zhongguo Xinwen She, June 14, 2001.

⁹ "Report: China jails meditation master, planning to extend crackdown," Associated Press Newswires, January 19, 2000; "Report: 600 leaders of banned Chinese exercise group arrested," Associated Press Newswires, March 4, 2000; "Report: China sentences four leaders of banned Zhong Gong sect," Associated Press Newswires, December 29, 2000; "China sentences Zhong Gong leader to seven years on tax charge," BBC Monitoring, September 11, 2001; "China: Two Henan Zhong Gong members sentenced on subversion charges," BBC Monitoring, September 20, 2001.

¹⁰ *Z h u a n F a l u n , L e c t u r e O n e*, <http://www.falundafa.org/book/english/lecture1.html>, p. 2.

to augment the goodness already present within individuals and within society.¹¹ There is an added incentive for the individual practitioner. As the impulse to be good and do good grows, he or she is said to be able to attain supernatural powers with the help of a master, such as the ability to literally see what most others cannot.

There is no question that salvationist and apocalyptic ideas are part of the Falungong canon. In *Zhuan Falun*, Li Hongzhi's major text, the promise of salvation is explicitly offered "unconditionally" to humankind out of "compassion." Through practice of a "righteous way," Li says, there can be salvation for all. "We teach salvation of both ourselves and others, as well as of all beings. Thus, Falun can save oneself by turning inward and save others by turning outward."¹² Li also says that human civilizations are cyclically destroyed, stating in *Zhuan Falun*: "I made a careful investigation once and found that humankind has undergone complete annihilation eighty-one times. With a little remaining from the previous civilization, only a small number of people would survive and enter the next period, again living a primitive life."¹³ He refers to the present as the "Last Havoc."¹⁴

Although it borrows from Buddhism and Daoism, Falungong maintains in its own publications that it is not a religion, and that none of its exercises can be characterized as religious rituals. In response to official accusations that the Falungong leadership had fashioned a tight organizational structure similar to that of the Chinese Communist Party so as to facilitate overthrow of the government, practitioners respond that there is no organization, no hierarchy, and that they harbor no "political intentions"; "no one," they say "can tell anyone else what to do."¹⁵ In 1999, however, the government cited the existence of a hierarchically organized geographic structure of thirty-nine main "stations," 1,900 "guidance stations," and 28,000 "exercise sites" as evidence to bolster its accusations. Falungong spokespersons countered that these were simply avenues for facilitating

¹¹ David Ownby, "Falungong as a Cultural Revitalization Movement: An Historian Looks at Contemporary China," Talk Given at Rice University, October 20, 2000, Transnational China Project Commentary (text based on audio transcript), <http://www.ruf.rice.edu/~tnchina/commentary/ownby1000.html>. See also the booklet "Compiled by Falungong practitioners in North America" (2nd edition, Dec 1999).

¹² *Zhuan Falun* (English Version), Li Hongzhi, Third Translation Edition (Updated March 2000, USA), <http://www.falundafa.org/eng/books.htm>, p.81. See also pp. 7, 9, 15, 28, 37, 45, and 108.

¹³ *Ibid.*, p.17.

¹⁴ *Ibid.*, p.26.

¹⁵ Human Rights Watch interview with Falungong practitioners (names withheld), New York, July 1999.

practice.¹⁶

Falungong protests have been tightly organized and coordinated. One official Chinese source noted that between April 25, 1999 and early August 1999, after Falungong had come under intense pressure from Chinese authorities, it caused "307 sieges of party and government organs." On one day alone, July 21, 1999, "several thousand" demonstrated before the provincial government complex in Hubei, 700 protested in Anhui, an unspecified number in Hunan, and over 2,000 in front of the Guizhou Provincial Government office in Guiyang.¹⁷

Falungong's tactic of mounting orderly public protests had been in use for several years before it backfired on April 25, 1999, when at least 10,000 men and women quietly demonstrated for legitimacy outside Zhongnanhai, the compound in the heart of Beijing where the Chinese Communist Party leadership lives and works. The mass rally triggered an aggressive Chinese government response and, as described in more detail below, marks a major turning point in Falungong-government relations. Falungong leaders apparently thought there would be no repercussions from the April 25 demonstration even though it was much larger than earlier protests and at a much more sensitive site. According to a Falungong spokesman, until then "the government had been mostly supportive of us... Many top leaders seemed to support us."¹⁸

The Membership

Falungong spokespersons estimate that in 1999, at the start of the crackdown, membership peaked at 100 million practitioners in some thirty countries, over seventy million in China alone. Government figures have varied widely, but have also shown the movement to be significant. As noted above, the government estimated forty million Falungong followers at the end of 1998; in February 2001, it put the number at some two million, far smaller than the earlier estimate but still far larger than any other known non-governmental social organization or dissident

¹⁶ "An Adverse Current in the Progress of Social Development -- Sixth Commentary on Exposing the Essence and Harm of 'Falun Gong,'" *Renmin Ribao*, August 14, 1999, in "Renmin Ribao Slams Li Hongzhi 'Fallacies,'" FBIS, August 17, 1999. For an overview of Falungong's organizational and financial arrangements, see James Tong, "Behind the Falungong Facade....," unpublished article.

¹⁷ "The Political Aims of More than 300 Sieges -- First Commentary on Exposing and Criticizing the Essence and Harm of 'Falun Gong,'" *Renmin Ribao*, August 5, 1999.

¹⁸ Johnson, "A Blind Eye....," *Wall Street Journal*.

movement in China.¹⁹

Although most practitioners seem to come from urban districts, primarily small cities and towns where its “guidance stations” are located, Falungong is both a rural and urban phenomenon. The few easy-to-learn and easy-to-perform exercises—there are only five—are well adapted to an urban or village life style.²⁰

One segment of the Falungong population, consisting of well-educated professionals, academics, scientists, and medical personnel, among others, gives the movement a certain cachet. Other practitioners are computer-literate technocrats and students accustomed to using the Internet and e-mail systems that facilitated Falungong’s growth. They have kept it alive in the face of intense official pressure. Some, including Falungong leaders Li Chang and Wang Zhiwen, were members of the Chinese Communist Party, well-placed in key government ministries including the security apparatus; others, such as retired Lieutenant General Li Qihua and Lieutenant Colonel Zhao Xinli, were officers in the People’s Liberation Army.²¹ The Party leadership found this latter group particularly threatening.

Another group of Falungong followers includes men and women in their fifties and sixties, members of the 1966-76 Cultural Revolution’s “lost generation.” Many are workers or lower-level government functionaries who missed out on educational opportunities when the schools were closed, and who in the late 1990s lost their jobs or were “temporarily” laid off with the restructuring of state-owned enterprises or retrenchment within government bureaucracies.²² Instead of the

¹⁹ “According to Liu Jing, There Are Only About 2 Million ‘Falungong’ Followers in China,” *Zhongguo Xinwen She*, February 27, 2001, in “Anti-Cult Office Puts Falungong Followers in China at 2 Million,” FBIS, February 28, 2001. By comparison, Chinese Communist Party membership stands at about 65 million. “Number of CPC Members Surpassing 64.5 Million: Official,” *People’s Daily Online*, http://english.peopledaily.com.cn/200106/01/eng20010601_71575.html. At its height, maybe a million people participated in the 1989 pro-democracy movement in Beijing. The fledgling China Democracy Party optimistically claimed some 7,000 members before the Chinese government moved to annihilate it in November 1998.

²⁰ Richard Madsen, “Understanding Falun Gong,” *Current History*, September 2000, pp. 243-47.

²¹ Michael Laris, “Chinese Sentence 4 Falun Leaders; Jail Terms Range Up to 18 Years,” *Washington Post*, December 27, 1999; Seth Faison, “Chinese General Forced to Spurn Falun Gong Ties,” *New York Times*, in *Pittsburgh Post-Gazette*, July 31, 1999; “Report: China holds army officer for refusing to renounce sect,” Associated Press Newswires, June 28, 2000.

²² Madsen, “Understanding Falun Gong,” *Current History*.

expected cradle-to-grave security, including all-important health care, this group has had to struggle on small pensions or welfare payments. Instead of the personal support networks and the opportunities for socializing that came through work relationships, they experienced dislocation and isolation. Participation in Falungong's activities, often based in public parks, may have addressed some of their health care, psychological, and economic needs.²³

Practitioners could take part in Falungong on a number of different levels, from simply exercising, in public or at home, to directly confronting authorities and risking severe reprisals. Practitioners who wanted to be more involved could take on responsibility for recruitment, for production or distribution of Falungong literature, or for other organizational matters; others chose, often repeatedly, to join protests and, thus, to confront the government's security apparatus. A practitioner's choice of activities likely reflected what it was about Falungong that was most meaningful to him or her, the exercise, the meditation and spirituality, or the communal aspects. Chinese authorities implicitly recognized the differences by meting out different punishments for different forms of commitment.²⁴

Freedom of Belief in China

The crackdown on Falungong is reminiscent of the long history of efforts by the Chinese Communist Party to eradicate religion, and when that proved impossible, to permit its citizens to "enjoy freedom of religious belief" and to protect "normal religious activities," but only under state control.²⁵

Much of initial religious policy was designed to bring so-called Western religions under Chinese control by replacing "imperialist forces" with "independent, self-governed, and autonomous churches."²⁶ At first, foreign clerics were deported or executed along with their Chinese counterparts. As a second step the government mandated that there be no institutional ties with foreign religious bodies and began the process of crafting a bureaucracy from the local level on up that could effectively oversee all churches, mosques, monasteries, and temples. Although the work was violently interrupted during the Cultural Revolution (1966-76), when all religious expression was prohibited and driven underground, it began again in the early 1980s when Chinese leaders realized they needed cooperation from all sectors

²³ *Ibid.*

²⁴ "China: Circular urges punishment for core Falun Gong organizers," BBC Worldwide Monitoring, August 25, 1999, text published in Xinhua, August 24, 1999.

²⁵ See Constitution of the People's Republic of China, Article 36.

²⁶ See "Document 19: The Basic Viewpoint and Policy on the Religious Question During Our Country's Socialist Period," in Asia Watch (now Human Rights Watch), "Freedom of Religion in China," January 1992, pp.36-48.

of society to advance their development agenda. Full achievement of the state's official atheist ethic could be postponed indefinitely; for the time being it would apply only to Party members. But the government's belief that religion is inherently subversive, a vehicle for foreign and domestic anti-China forces, continued to drive religious policy and contributed to the crackdown on Falungong.

Although the Chinese constitution protects freedom of belief and "normal" religious activities, a series of regulations circumscribes both. Some date from the 1980s; the most recent, "Rules for Implementation of the Provisions on the Administration of Religious Activities of Aliens within the Territory of the People's Republic of China," was promulgated on September 26, 2000. These regulations provide for financial oversight on the part of government authorities, vetting of religious leaders and religious publications, determination of religious curricula, and a program to bring religious beliefs into conformity with socialism. To illustrate that the state was to control all religious expression, Chinese officials dealt harshly with religious leaders who refused to be coopted. Catholic bishops, Tibetan monks, Protestant clerics, and Muslim imams who inspired extraordinary loyalty from worshipers or who resisted government edicts went to prison or simply were "disappeared." Nor did the government hesitate to use mass campaign-style tactics in areas where local antagonism to official religious policies was well entrenched.²⁷ The same tactics—new laws and regulations, harsh sentences, and a mass campaign—were applied to Falungong.

The government's constitutional guarantee of freedom to believe and protection of "normal religious activities" falls far short of applicable international law standards. First, there is no legal protection for belief systems other than religion. By contrast, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) distinguishes between religion and belief and recognizes that freedom of choice pertains to both. Chinese authorities limit the right to "have or to adopt a religion or belief of [one's] choice" in still another way, by recognizing only five faiths as legitimate, Daoism, Buddhism, Islam, Catholicism, and Protestantism (called Christianity in China). Thus, Falungong would not qualify for constitutional protection even if it were a religion, which it emphatically says it is not.²⁸ It is the one thing on which Falungong practitioners and Chinese authorities agree.

²⁷ See "Enforcement Plan for Curbing the Illegal Activities of the Underground Church According to Law," Human Rights Watch, *China: State Control...*, pp. 80-89.

²⁸ Freedom of religion and belief are both protected under international human rights law (International Covenant on Civil and Political Rights (ICCPR), article 18, adopted Dec. 16, 1966, G.A. Res. 2200A (XXI), entered into force March 23, 1976, signed by China in October 1998, not yet ratified).

China's religious policy fails to meet international standards in still another way: its protection only of "normal" religious activities and its failure to define normal in ways consistent with Article 18 or with the standards for derogation therein. Under international law, the only limitations on manifestation of religion or belief in "worship, observance, practice, and teaching," "individually or in community with others...in public or private," must be "prescribed by law" and be "necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." Although Chinese officials have claimed that Falungong poses a threat to each area listed, they have failed to provide evidence in support of their accusations. Peaceful gatherings in public parks to exercise and perhaps meditate violate none of the proscriptions, nor do parents who school their children "in conformity with their own convictions," as some Falungong practitioners do.

The 1991 U.N. General Assembly "Declaration on the Elimination of All Form of Intolerance and of Discrimination Based on Religion or Belief" further elaborates on the rights permitted believers, a category to which Falungong practitioners belong. Article 6 is particularly applicable to their case, including as it does the right to "write, issue and disseminate relevant publications," "to teach a religion or belief in places suitable for these purposes," and "to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels." Chinese authorities have banned all further production and dissemination of Falungong materials and confiscated and burned hundreds of thousands of books, pictures, and tapes. The courts have sent distributors, even those who have handed out a few leaflets, to prison or labor camps. Communication among practitioners all across China has been branded a plot to overthrow the government, and has resulted in long prison sentences for alleged organizers.

III. DEFIANCE AND RESPONSE: A CHRONOLOGY

Chinese authorities initially treated Falungong as a loosely knit group of quirky but benign qigong devotees. All this changed on April 25, 1999 when Falungong showed its capacity to quickly mobilize massive numbers. From all reports, more than 10,000 practitioners, most of them middle-aged, lined up in an orderly column around two sides of Zhongnanhai, the compound in the heart of Beijing where China's leaders live and work. They had begun arriving in groups, primarily from townships in the countryside, as early as 3 a.m. Young leaders saw to it that strict discipline was observed. For example, practitioners were forbidden to speak with foreigners or with members of the press, to hoist banners, to shout slogans or distribute pamphlets, or to litter. By late afternoon the followers had dispersed, as quickly and as quietly as they had come. Onlookers said the police were as orderly as the demonstrators.

For almost three months after the April 25 demonstration, the Chinese leadership was ominously quiet. That is not to say that the forthcoming crackdown was unexpected or that Falungong leaders were unprepared. On April 28, a government official, warning believers not to repeat the April 25 protest, said in a Xinhua interview that ran in newspapers and on the air, "Those who jeopardize social stability under the pretext of practicing any 'qigong' will be dealt with according to the law."²⁹ By May 7, reports were circulating that President Jiang Zemin had called the group a major threat, that a high-level task force had been formed with Party leaders Hu Jintao and Luo Gan in charge, and that the decision to designate Falungong an illegal organization had already been made.³⁰ By June 1999, security in Beijing had been tightened. Early in the month, police held several busloads of practitioners in a local stadium for a day.³¹ Later in June, some 3,000 police officers cleared out practice sites on Changan Avenue, Beijing's major thoroughfare, and vowed to clean up all public practice sites in the city.³² Even as

²⁹ "Chinese gov't warns cult not to repeat protest," Asian Political News, May 3, 1999.

³⁰ Charles Hutzler, "China Sees Threat in Secret Sect," AP Online, May 7, 1999; "Beijing Has Designated Falun Gong An Illegal Sect: Report," Central News Agency (Taiwan), May 2, 1999, citing Hong Kong's *Ming Pao*, May 2, 1999.

³¹ "Beijing police round up busloads of Falungong members: residents," Agence France Presse, June 6, 1999; "Officials say Falungong members 'gone home' from stadium," Agence France-Presse, June 7, 1999.

³² "Beijing Cleans up Falungong Exercise Grounds," *Hong Kong Tung Fang Jih Pao*, June 28, 1999, in "Beijing Acts to Restrict Falungong Activities," FBIS, July 16, 1999.

Party officials denied reports of an imminent crackdown, they warned Falungong leaders to stop spreading rumors designed to “provoke” the membership into readying demonstrations.³³

The Chinese leadership also began to prepare the general public and rank-and-file Party members for the upcoming campaign. On June 20, *Renmin Ribao* (*People's Daily*), the Chinese Communist Party newspaper, launched a “theoretical” series that obliquely set out the rationale for the crackdown. Without mentioning Falungong, the initial article discussed the necessity of opposing superstition and pseudo-science and advocating a worldview encompassing science and technology, Marxism-Leninism, and materialism if the goal of rapid development and modernization were to be achieved.³⁴ Other commentaries explicitly addressed how dangerous Falungong had become. They stressed its political orientation and its threat to the Chinese Communist Party's power, the risks it posed to the nation's stability, and the appalling consequences—allegedly 1,400 deaths and counting—of Li Hongzhi's resistance to scientific medical practice. The articles also made explicit how Party members, cadres, public security officials, and judicial officers were to conduct themselves. They were expected to maintain discipline and be consistent cultural exemplars—a veiled warning that they not practice Falungong—and they were to stay within the law when “combating” the Falungong threat no matter how resistant practitioners might be.³⁵

Falungong responded immediately and publicly. Li Hongzhi set the line—“we do not involve ourselves in politics and we abide by the laws of the

³³ “China: Party statement dispels rumours on suppression of Falungong practitioners,” BBC Worldwide Monitoring, June 14, 1999.

³⁴ “Renmin Ribao Commentary Urges End to Superstition,” Xinhua, June 20, 1999, in FBIS, June 21, 1999.

³⁵ See, e.g., “Consolidate Marxist Beliefs--Fourth Commentator on Taking a Clear-Cut Stand in the Struggle to Expose and Criticize ‘Falungong,’” July 29, 1999, in “4th Commentator on Criticism of Falungong,” FBIS, August 3, 1999; “Clearly Distinguish Ideological and Political Right and Wrong,” *Renmin Ribao*, August 5, 1999, in “Renmin Ribao on Dealing With Falungong,” FBIS, August 6, 1999; “Recognizing the Political Essence and Serious Danger of ‘Falun Dafa,’” Xinhua Domestic Service, July 26, 1999, in “On ‘Falungong’ Political Essence, Danger,” FBIS, August 3, 1999; “Maintain Stability and Push Forward Reform and Development-- Ninth Commentator on Tightening Efforts in Handling and Solving ‘Falungong Problem,’” *Renmin Ribao*, August 16, 1999, in “9th Commentator on Handling Falungong,” FBIS, August 17, 1999; “Ban Illegal Organizations to Safeguard Social Stability,” Xinhua, July 30, 1999, in “Commentator Calls for Banning Falungong,” FBIS, August 2, 1999.

country”—and, foreshadowing events to come, Falungong spokespersons vigorously protested the government's use of the terms “cult” and “sect.”³⁶ They also insisted, somewhat disingenuously, that the April event was “spontaneous.”³⁷ It quickly became evident, that despite Li Hongzhi's declaration that he would “not take Falungong practitioners to confront [the government]” even in the face of provocation, members were mobilizing resistance.³⁸ Ten days before the first roundup of key Falungong organizers on July 20, mass protests against media criticism erupted in several cities.³⁹

Once preparations were complete, Chinese officials moved quickly and decisively on several fronts, rounding up leaders and practitioners; issuing a series of directives that would allow the government to later claim its crackdown had a legal basis; destroying Falungong material including books, tapes, photographs, and posters; and issuing a steady stream of invective against Li Hongzhi and Falungong.

- C July 20, 1999: just after midnight public security officers throughout China quietly detained numerous Falungong leaders.⁴⁰ Three days of massive demonstrations in some thirty cities followed. In Beijing and other cities, police held protesters in sports stadiums.⁴¹
- C July 22: the Ministry of Civil Affairs and the Ministry of Public Security acted jointly to dissolve Falungong and its parent organization, the Falun Dafa Research Society; to ban the propagation of Falungong in any form including public practice; and to prohibit anyone from disrupting social order or confronting the government.⁴²

³⁶ Jack Taylor, “Falungong leader speaks out about protest that rocked Beijing,” Agence France-Presse, May 2, 1999; “Falun Dafa followers reject cult status,” Agence France-Presse, May 3, 1999.

³⁷ “Leader of Chinese sect that held silent protest shuns politics,” Associated Press Newswires, May 2, 1999.

³⁸ “Falungong leader will not be drawn into confrontation with China,” Associated Press, June 17, 1999.

³⁹ “Report: Chinese Buddhist Protest Held,” AP Online, July 10, 1999; “Halt Broadcast, Spiritual Group Warns China,” *Asian Wall Street Journal*, July 14, 1999; “Report: Thousands of followers protest attacks on sects,” Associated Press Newswires, July 18, 1999.

⁴⁰ “AFP: Further on Authorities Crack Down on Falungong,” FBIS, July 21, 1999, from Agence France-Presse, July 20, 1999.

⁴¹ “China Bans Sect,” BBC Online Network, July 22, 1999.

⁴² “Decision of the Ministry of Civil Affairs of the People's Republic of China Concerning the Banning of the Research Society of Falun Dafa” and “Notice of the Ministry of Public Security of the People's Republic of China,” *Chinese Law and Government*, Volume 32, No.5 (issue titled “The Battle Between the Chinese

- C July 23: the Chinese Communist Party declared the “‘falungong’ incident [on April 25] the most serious political incident” since the 1989 pro-democracy protests in Tiananmen Square.⁴³ The Central Committee of the Chinese Communist Party banned its members from practicing Falungong and launched an intra-Party study campaign to make certain cadres understand how great a threat Falungong represented and how incompatible its belief system was with Marxism. The Ministry of Personnel followed with a similar order, adding that “government functionaries must take a clear stand in opposing...Falun Dafa.”⁴⁴ The People’s Liberation Army instructed all personnel “to take the lead in eliminating the influences of Falun Gong.”⁴⁵ In early May, the Central Military Commission had already ordered its active and retired personnel and their families to distance themselves from Falungong.⁴⁶
- C July 26: the State Press and Publication Administration, Ministry of Public Security, State Administration of Industry and Commerce, General Administration for Customs, and the General Office of the State Leading

Government and the Falun Gong,” Ming Xia and Shiping Hua, eds.), September-October 1999, pp. 31-32; documents originally published in *People’s Daily, Overseas Edition*, July 23, 1999, p.1.

⁴³ “Wang Zhaoguo on Fight Against ‘Falungong,’” World News Connection, July 23, 1999, from World Reporter (TM).

⁴⁴ “Circular of the Central Committee of the Chinese Communist (CCP) Party on Forbidding Communist Party Members from Practicing Falun Dafa,” *Chinese Law and Government*, Volume 32, No.5 (issue titled “The Battle Between the Chinese Government and the Falun Gong,” Ming Xia and Shiping Hua, eds.), September-October 1999, pp.14-18, document originally published in *People’s Daily, Overseas Edition*, July 23, 1999, p.1; “Ministry of Personnel Issues Notice Stipulating that State Functionaries May Not Practice Falun Dafa,” *ibid.*, pp.26-28, document originally published in *People’s Daily, Overseas Edition*, July 24, 1999, p.3.

⁴⁵ “Be Models in Following Regulations and Observing Law -- Third Commentary on Taking a Clear-Cut Stand in Launching the Struggle to Expose and Criticize ‘Falungong,’” *Beijing Jiefangjun Bao*, July 27, 1999, in “3rd Commentator on Criticism of Falungong,” FBIS, August 2, 1999; “Chinese army supports ban on Falun Gong,” BBC Worldwide Monitoring, July 25, 1999, from Xinhua, July 23, 1999.

⁴⁶ Vivien Pik-kwan Chan, “PLA vows to purge own ranks of sect: Probe finds surprising number of members,” *South China Morning Post*, July 24, 1999.

Group for Wiping out Pornography jointly issued a circular calling for confiscation and destruction of all publications related to Falungong, including “books, pictures, audio-video products, and electronic publications,” and for investigation and punishment of “all units and individuals that have published, printed, copied, and distributed” such materials.⁴⁷ The General Customs Administration issued orders to intercept incoming and outgoing Falungong materials.⁴⁸ Several days later, with steamrollers and pulp mills at the ready, the campaign to destroy Falungong publications began in earnest. In Shanghai alone, 1,300 government workers engaged in a search and destroy mission that netted 45,000 books and pictures, part of a one-week nationwide total of two million.⁴⁹ Falungong members reported that their overseas Internet sites came under electronic attack, such as repeated requests from one or several users that blocked others from accessing the sites, known technically as a “denial of service” attack. In other cases, sites were hacked into or servers compromised. At the same time, the government set up its own official sites so users could easily access government documents and critical commentaries related to the Falungong “threat.”⁵⁰

- C July 29: the Ministry of Public Security issued an order for the arrest of Li Hongzhi on grounds that he had “spread superstitious and malicious fallacies to deceive people, resulting in the deaths of many practitioners” and had “organized gatherings, demonstrations and other activities to disturb public order without applying for permits according to law...”⁵¹ Interpol declined involvement on grounds that it did not take political or religious cases.⁵²

⁴⁷ “Circular Issued on Eliminating Falungong Publications,” Xinhua, July 26, 1999, in FBIS, July 30, 1999.

⁴⁸ “Public Security Ministry Revokes Li Hongzhi’s Passport,” *Hong Kong Ming Pao*, July 31, 1999, in FBIS, August 2, 1999.

⁴⁹ “Localities Destroy Confiscated Falungong Publications,” Xinhua, July 29, 1999, in FBIS, July 29, 1999.

⁵⁰ Peter Svensson, “Chinese officials try to hack U.S. Web sites, meditation group members say,” Associated Press Newswires, July 30, 1999; “Press administration circular bans Falun Gong publications,” BBC Worldwide Monitoring, July 27, 1999, from Xinhua.

⁵¹ “More on Security Ministry Spokesman on Li Being Wanted,” Xinhua, July 29, 1999, in FBIS, July 30, 1999.

⁵² “Interpol won’t aid search for Falun Gong leaders; Police organization rejects request from Chinese on political, religious grounds,” *Baltimore Sun*, August 4, 1999.

- C July 29: the Beijing Municipal Bureau of Justice issued a notice requiring all law firms to seek approval for requests by Falungong practitioners for consultation and representation. The announcement stipulated that all firms must notify the Office for Law Management, a sub-division of the Bureau of Justice, of any Falungong-related contacts and seek its approval before signing a contract.⁵³ Any legal explanations given to those seeking services must be in accord with the intent of the central authorities' policy directives toward Falungong. The notice violates the rights of persons under international law to obtain legal counsel of their choosing. It also is inconsistent with international standards which call on governments to ensure that lawyers are able to perform their professional functions without intimidating hindrance, harassment, or improper interference.⁵⁴
- C August 4: the Ministry of Public Security announced it would offer a substantial reward for the arrest of Li Hongzhi, \$50,000 *renminbi* (approximately U.S.\$6,250). However, in that China and the U.S. have no extradition treaty and the U.S. had already refused to consider a request for Li's return, the announcement was intended largely for domestic consumption.

From July on, Falungong protests were countered by police sweeps which sent thousands, if not tens of thousands of practitioners, to police lockups and makeshift facilities for short-term "reeducation." According to Politburo member Li Lanqing, from the time of the July 22 Ministry of Public Security order until the end of October when tightened "cult" regulations went into effect, there were 35,792 occasions when followers were stopped by police and either taken away or told to leave Beijing.⁵⁵ Many more may have been rounded up before they could reach the capital.⁵⁶

Throughout August and into September 1999, the government engineered a thoroughgoing media and publishing campaign to provide "evidence" of Falungong crimes so as to justify upcoming "lawful" prosecutions, to orchestrate public

⁵³ There are three kinds of law firms in China, state run firms, collectives, and partnerships. All are answerable to the Ministry of Justice, sometimes directly or sometimes through the All China Lawyers Association.

⁵⁴ See Article 16, "Basic Principles on the Role of Lawyers," adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

⁵⁵ Renee Schoof, "China denies detaining more than 35,000 Falun Gong activists," Associated Press Newswires, December 2, 1999.

⁵⁶ "China's Most Populous Province Fights Banned Sect," Reuters, July 30, 1999.

opinion to support the crackdown, to promote science and eradicate “pernicious” superstitious beliefs among the populace, and to cleanse the Party and all security organs of Falungong practitioners.⁵⁷ By then members of these units had been banned from practicing Falungong, participating in Falungong-organized activities, providing sites for such activities, holding any position in the organization, or spreading its materials.⁵⁸

The media campaign featured an outpouring of rhetoric from just about every institution and social stratum on the “evil nature” of Falungong and its alleged efforts to hoodwink the public. Xinhua reported that “hundreds of thousands” of retired People’s Liberation Army and People’s Armed Police personnel avowed complete agreement with the Chinese Communist Party line on the Falun Gong issue.⁵⁹ So, too, did religious leaders (including a Tibetan Living Buddha) who claimed to be concerned with protecting religious freedom.⁶⁰ Academic experts in the fields of politics, philosophy, sociology, education, psychology, science, law, and medicine contributed “opinions.”⁶¹

Other Xinhua articles exhorted workers to “stand in the very front line...

⁵⁷ Jasper Becker, “Falun Gong propaganda blitz ends,” *South China Morning Post*, August 25, 1999.

⁵⁸ “Party Members Admit Being Fooled by Falungong Heresies,” FBIS, August 27, 1999, from Xinhua, August 21, 1999; *Beijing Jiefangjun Bao*, “Be Models in Following Regulations...,” FBIS, August 2, 1999.

⁵⁹ The People’s Armed Police (PAP) is a paramilitary force, under military rather than police control, which deals with border control, domestic security, and social stability. Its duties sometimes overlap with those of public security bureaus (the police), and its members are often employed as prison guards.

⁶⁰ “China: Retired servicemen criticize Falun Gong cult,” BBC Worldwide Monitoring, August 22, 1999, from Xinhua, August 5, 1999; “Tibetan Living Buddha Criticizes Falun Gong,” *People’s Daily*, August 3, 1999; “Report: Falungong Ban Does Not Hurt Religious Freedom in China,” Agence France-Presse, August 4, 1999; “Completely and Correctly Implement the Party’s Religious Policy and Criticize the ‘Falungong’ in a Clear-cut Manner,” Xinhua, August 4, 1999, in “CPC Committees Hold Lecture Criticizing Falungong,” FBIS, August 4, 1999; “Religious Affairs Administration Director on Falungong,” FBIS, August 19, 1999, from Xinhua, August 18, 1999.

⁶¹ “Scholars Pledge Support for CPC Decision on Falungong,” FBIS, August 6, 1999, from Xinhua, July 29, 1999; “CASS Scholar Urges Elimination of Social Causes of Cults,” FBIS, August 9, 1999, from Xinhua, August 6, 1999; “CCTV To Air 10-Part Series On Fighting Superstition,” Xinhua, July 29, 1999, in FBIS, August 11, 1999; “PRC Scientists Launch New Fight Against Superstition,” FBIS, July 19, 1999, from Xinhua, July 16, 1999.

[against Falungong]" and called on women to uphold modernity and women's organizations to "help women improve their overall quality and establish right viewpoints... [toward Falungong]." ⁶² The Xinhua appeal reflected the fact that women make up probably close to half of Falungong practitioners. Within China, women generally are viewed as less interested in science and technology and more likely to perpetuate traditional superstitious beliefs; they are also perceived as "play[ing] an irreplaceable role in families," with the potential for passing on to the next generation the meaning and practices of Falungong.

The most important part of the media campaign may have been the "investigatory" reports into Falungong's accounts of its activities and motives which purported to show duplicity and subversive intent on the part of Falungong leaders. These accounts provided a justification for a legal assault on the organization and its individual practitioners. One such report purported to prove that Li Hongzhi and his lieutenants (who later received lengthy prison terms) meticulously orchestrated the April 25 protest for political gain. In so doing, the report argued, they posed a critical and unlawful threat to social order. ⁶³ Another account similarly analyzed what it claimed was the political intent and social order danger behind other Falungong demonstrations. ⁶⁴ Still another gave "evidence" of a tightly knit hierarchical organization unregistered with the Ministry of Civil Affairs and, therefore, operating illegally. ⁶⁵

Other accounts went to great lengths to refute Li Hongzhi's theories on "disease-relief and health," calling them "ungrounded gross inferences with absurd conclusions, absolutely lacking in science, truth, reliability and believability, to the point of being sheer nonsense." ⁶⁶ From the beginning of the crackdown,

⁶² "Workers exhorted to battle cult," Michelle Chak, *South China Morning Post*, August 3, 1999; "Xinhua Commentator Discusses Falungong, Women," FBIS, August 6, 1999, from Xinhua, August 5, 1999.

⁶³ "Nature of and Harm Done by Falun Gong," *People's Daily Online*, August 5, 1999; "Falun Gong founder staged 'illegal gathering' at China's leadership compound," BBC Worldwide Monitoring, August 13, 1999, text of Xinhua report August 12, 1999.

⁶⁴ "Political Aim Behind 300-Odd Sieges," *People's Daily Online*, August 5, 1999.

⁶⁵ "Handwritten Instructions Show Evidence of Falungong Group," FBIS, August 2, 1999, from Xinhua, July 31, 1999; "Ban Illegal Organizations to Safeguard Social Stability," Xinhua, July 30, 1999, in "Commentator Calls for Banning Falungong," FBIS, August 2, 1999.

⁶⁶ "Confusing What People See and Hear and Deceiving the People to Build Up a False Reputation-- Five Investigation Reports that Reveal the Secret of the So-called 'Effect of Eliminating Diseases and Strengthening the Body,'" Xinhua, July

government authorities highlighted the dangers to public health implicit in Falungong theories, and suggested that Li Hongzhi and his lieutenants bore personal responsibility for the deaths of practitioners who heeded their fallacious medical advice.⁶⁷ Such emphasis allowed the Chinese leadership to claim it was on solid legal ground in shutting down the organization and jailing its “backbone elements.”⁶⁸ The text of Li’s warrant began, “Li Hongzhi has caused the deaths of people by organizing and utilizing the Falun Dafa Research Society and the Falun Gong organization.”⁶⁹ An official Chinese news agency commentary on the leaders’ trials cited “using cult organizations in causing deaths” as one of their many crimes.⁷⁰

In late August, the Communist Party and State Council together issued a circular stating that “the overwhelming majority of ‘Falun Gong’ practitioners were themselves victims” who must be patiently educated, converted, and extricated. Core members who “made a clean ideological break” would be spared significant punishment.⁷¹ It would be another month, however, before the government completed a legal framework designed specifically to justify prosecution of leading “cult” organizers and proselytizers.

In the meantime, Falungong leaders organized a two-track approach, on the one hand calling for dialogue with the government so as to peacefully settle the issues between them; on the other, demonstrating the organization’s ability to persuade foreign governments and non-governmental organizations to criticize the Chinese government’s crackdown.⁷² Falungong members’ experience with e-mail

29, 1999, in “Article on Falungong Medical Claims,” FBIS, August 5, 1999.

⁶⁷ “Xinhua Commentary: Falungong Infringes on People’s Rights,” FBIS, August 4, 1999, from Xinhua, August 4, 1999; “The crackdown on Falun Gong and other so-called ‘heretical organizations,’” Amnesty International, AI Index: ASA 17/11/00, March 23, 2000, pp. 6-7.

⁶⁸ “Xinhua Commentary: Falungong Infringes...” FBIS, August 4, 1999.
⁶⁹ “Wanted Order Issued by the Ministry of Public Security of the People’s Republic of China,” *Chinese Law and Government*, Volume 32, No.5 (issue titled “The Battle Between the Chinese Government and the Falun Gong,” Ming Xia and Shiping Hua, eds.), September-October 1999, pp.33-34; document originally published in *People’s Daily, Overseas Edition*, July 30, 1999, p.1.

⁷⁰ “Four Leading Falun Gong members tried and sentenced,” BBC Worldwide Monitoring, December 28, 1999, from Xinhua, December 27, 1999.

⁷¹ “China: Circular urges punishment...,” BBC Worldwide Monitoring, August 25, 1999; “Authorities prepare to charge key sect figures,” *South China Morning Post*, August 25, 1999, quoting Xinhua.

⁷² “As China Cracks Down on Falun Gong Practitioners, Falun Gong Founder Li Hongzhi Calls for Dialogue with China’s Government; International Intervention to Stop Human Rights Abuses,” from press release titled “Statement by Master Li:

and the Internet allowed the organization to evade Chinese authorities' repeated attempts to block such communication and to spread information about what was happening day by day into and out of China.⁷³

Events culminated in October and November 1999, some three months after the arrests of Falungong leaders and the first massive roundups of rank-and-file members. In the course of a month, the Standing Committee of the National People's Congress (the legislature) and the judiciary took a series of four "legal" steps to make it possible to more easily prosecute those allegedly organizing and using cults to commit crimes. Although Chinese authorities maintained there was nothing extralegal about the crackdown, they applied the new regulations retroactively, violating well-established international criminal justice standards against *ex post facto* laws.⁷⁴

First, on October 8 and 9, 1999, the Supreme People's Court and the Supreme People's Procuratorate issued "Explanations...Concerning Laws Applicable to Handling Cases of Organizing and Employing Heretical Cult Organizations to Commit Crimes." The document clarified the application of existing criminal law to cases allegedly involving organizing and making use of cult organizations. The document defined "heretical cults" as "those illegal organizations that have been established under the guise of religion, qigong or other forms, deifying their leading members, enchanting and deceiving others by concocting and spreading superstitious fallacies, recruiting and controlling their members, and endangering the society." The "explanations" were made public at the end of October.⁷⁵

On Falun Gong and the Situation in China," July 23, 1999; "Falun Gong practitioners in the New York area will be demonstrating Falun Gong exercises outside the United Nations and appealing peacefully for United Nations involvement to help resolve this crisis," in *China Crisis News Bulletin #7*, "Monitoring News of the Persecution of Falun Dafa (Falun Gong), Photo Op and Press Availability," September 17, 1999; Edith M. Lederer, "Falun Gong launches campaign to pressure China to Lift Ban," Associated Press Newswires, October 6, 1999; "Sect asks UN to speak out against ban," Associated Press, October 8, 1999; "Falun Gong International Appeal For Dialogue With China," www.clearwisdom.net/eng/flyers/appeal_letter.pdf, December 7, 2000.

⁷³ Craig S. Smith, "Online Resistance: Falun Dafa Defies Authority by Preaching in Cyberspace," *Asian Wall Street Journal*, September 10, 1999.

⁷⁴ See International Covenant on Civil and Political Rights, Article 15, "No one shall be held guilty of any criminal offence on account of any act or commission which did not constitute a criminal offence, under national or international law, at the time when it was committed."

⁷⁵ "Chinese agency on use of criminal law to deal with cults," BBC Worldwide Monitoring, October 30, 1999, from Xinhua, October 30, 1999.

On October 27, a *People's Daily* article concluded that there was sufficient evidence to prove that Falungong was a true cult and, therefore, subject to the "Explanations" issued earlier in the month. Accusations included members' willingness to sacrifice for their leader, their strict obedience to his will, an established hierarchical structure, a system of mind control, and heretical and salvationist ideas.⁷⁶ "The article concluded, "The Chinese Communist Party, which takes the welfare of its people as its prime concern, will take firm action in its ban on cults."

On October 30, the Standing Committee of the National People's Congress made a "Decision...on Banning Heretical Cult Organizations and Preventing and Punishing Cult Activities."⁷⁷ The government, having publicly demonstrated in the *People's Daily* article three days earlier that Falungong was indeed a true heretical cult, could now ban it for that reason alone, and not merely because it had not registered, the reason the government announced on July 22 when it initially banned the organization.

Finally, on November 5, the Supreme Court completed the process with a circular giving instructions to people's courts for trying criminal cases related to cults.⁷⁸ A week later, the first one-day trials took place in Haikou (Hainan province) Intermediate People's Court.⁷⁹

Even before the "legal" infrastructure was finalized, the judicial authorities had prepared charges against four major Falungong leaders. Although the news was not released until the day after the October 30 Standing Committee "Decision," the leaders had been formally charged on October 19 with crimes ranging from organizing a cult to "stealing, illegally possessing and leaking state secrets" and "running an illegal business."⁸⁰ By November 22, according to the director general of the State Council Information Office, at least 150 people had been detained or were being sought on similar charges; by November 28, forty-four people had been indicted. Charges included causing the deaths of members, disturbing social order,

⁷⁶ "China party paper says Falun Gong 'true cult,'" BBC Worldwide Monitoring, October 27, 1999, from Xinhua.

⁷⁷ "China issues anti-cult law," BBC Worldwide Monitoring, October 30, 1999, from Xinhua.

⁷⁸ "Supreme Court Issues Circular on Falungong," World News Connection, November 5, 1999.

⁷⁹ Renee Schoof, "China sentences four Falun Gong members in first sect trial," Associated Press Newswires, November 12, 1999.

⁸⁰ "Sect leaders charged with leaking state secrets," *South China Morning Post*, November 1, 1999.

using a cult to sabotage the law, and providing unauthorized medical services.⁸¹

Falungong supporters did not stay silent. On October 25, practitioners mounted defiant protests in Tiananmen Square—thousands had surreptitiously infiltrated Beijing—and succeeded in capturing the world's attention and highlighting police abuse.⁸² But the protests did nothing to bring the two sides to the bargaining table or force retraction of the “evil cult” label. On December 26, 1999, as roundups continued and the protests diminished, at least for a time, the Chinese leadership sent its clearest message to date with the sentencing of four key Falungong organizers by the Beijing No.1. Intermediate People's Court. Two of the four, members of the Chinese Communist Party, received sixteen- and eighteen-year prison terms for “organizing and using the cult organization to undermine the implementation of laws, causing human deaths by organizing and using the cult organization and illegally obtaining state secrets.”⁸³ Police responded to the immediate resumption of peaceful protests by questioning and detaining several dozen practitioners, in some cases forcibly dragging them out of Tiananmen Square.⁸⁴

Throughout 2000, every action taken by Chinese authorities to stop Falungong activities and punish its leaders met carefully orchestrated defiance. China's periodic claims to have won the war rang hollow in the face of Falungong's success in rallying international condemnation of the crackdown.⁸⁵ It was able to do so in part through continuous protests in Tiananmen Square, in part through a sophisticated media strategy, and in part through vigorous lobbying of Western governments.

⁸¹ “China Denies Mass Sect Detentions, Details Cases,” Reuters, December 2, 1999.

⁸² Charles Hutzler, “Falun Gong protests intensify as police step up security,” Associated Press Newswires, October 29, 1999; Elisabeth Rosenthal, Erik Eckholm, “Vast Numbers of Sect Members Keep Pressure on Beijing,” *New York Times*, November 28, 1999.

⁸³ “Just Trial, Destruction of Evil -- Viewing the Towering Crimes of ‘Falungong’ from the Verdict on Backbone Elements of the ‘Falungong’ Cult,” Xinhua, in “Xinhua on Crimes of ‘Falungong’ Members,” World News Connection, source: World Reporter, December 27, 1999; Erik Eckholm, “China Sentences 4 in Spiritual Group to Long Jail Time,” *New York Times*, December 26, 1999.

⁸⁴ “Dozens Detained in Tiananmen Square---Authorities Smother Protest of Prison Sentences for Falun Dafa Leaders,” *Asian Wall Street Journal*, December 28, 1999; “Chinese Police Detain 20 Protestors Linked to Falun Gong,” Dow Jones International News, December 28, 1999.

⁸⁵ “China's news agency reviews Falun Gong sect struggle,” BBC Monitoring, May 11, 2000, from Xinhua.

According to official Chinese media, the quiet, persistent protests in Beijing by small groups or individual practitioners had grown to involve hundreds of protesters daily by December 2000.⁸⁶ On holidays such as October 1, 2000 (National Day), New Year's Eve, Chinese New Year, or days that carried particular significance for Falungong, participants could number 1,000 or more.⁸⁷ Falungong members, many of them middle-aged women, courted detention by unfurling banners or meditating. Within minutes, police hustled them off to waiting vans; kicking, punching, dragging them by their clothes or their hair; and knocking them over if they did not move quickly or if they tried to get away. Falungong organizers saw to it that the international media was on hand to witness the juxtaposition of peaceful protest and violent response, and they drew attention to the details of formal arrests, detentions, and suspicious deaths in custody. Falungong spokespersons issued media alerts; information was posted on the many overseas Falungong websites; and journalists were alerted to planned demonstrations.

China's crackdown on Falungong demonstrations in Tiananmen Square and elsewhere has violated the right to freedom of assembly as protected under Article 21 of the International Covenant on Civil and Political Rights (ICCPR). Freedom

⁸⁶ "Article by Tiananmen District Subbureau of Beijing Municipal Public Security Bureau: 'Enforcing Law in Civilized Way, Honoring Our Mission, Sparing No Effort to Protect Normality of Social Order in Tiananmen Area -- First of a Series of Summaries of Speeches Delivered at Report Meeting on Advanced Deeds in Struggle Against 'Falungong' Cult,'" Xinhua, February 27, 2001, in "Tiananmen Police Account of Confrontations with Falungong Followers," FBIS, March 2, 2001.

⁸⁷ "China Falun Gong Protesters Seized," Associated Press, December 10, 2000; Martin Fackler, "Falun Gong, police square off in China's Tiananmen Square," Associated Press Newswires, October 26, 2000; Martin Fackler, "More than 350 sect protesters detained on China's National Day," Associated Press Newswires, October 1, 2000; Charles Hutzler, "Chinese police arrest protesters on anniversary of Falun Gong crackdown," Associated Press Newswires, July 20, 2000; "50 sect members held in birthday protest," *South China Morning Post*, May 14, 2000; "China detains 1,200 Falun Gong Followers," Associated Press Newswires, June 26, 2000; Duncan Hewitt, "100 sect followers held in Tiananmen," *The Guardian*, April 26, 2000; "China: Beijing police detain up to 200 Falun Gong followers," BBC Monitoring, May 11, 2000; John Schauble, "New Wave of Sect Arrests and Beatings," *The Age*, February 7, 2000; John Leicester, "Falun Gong members arrested as China welcomes Year of Dragon," Associated Press Newswires, February 4, 2000; Renee Schoof, "Chinese police detain banner-wielding Falun Gong members," Associated Press Newswires, November 16, 1999.

of assembly has been described as “a special institutionalized form of freedom of expression.”⁸⁸ Falungong practitioners when they assembled did no more than silently perform their slow-motion exercises, hold up banners, or scatter leaflets. Public security officers, in their hurry to clear demonstrations from public areas as quickly as possible, did not hesitate to use violence. This use of force to break up Falungong gatherings is clear interference by the state of the rights to peaceful assembly and expression.

Under the ICCPR, the right of peaceful assembly may be restricted “in the interests of national security or public safety (ordre public), the protection of public health or morals or the protection of the rights and freedom of others.” China has asserted that its actions against Falungong met these criteria. However, such derogation of fundamental rights must be imposed in conformity with law, serve one of the listed purposes and be necessary for attaining the stated purpose.⁸⁹ A national security rationale requires a serious case of political or military threat to the entire nation, a charge made by the government, but never substantiated. For a public safety rationale to be credible, a specific threat to the personal safety or physical integrity of persons is necessary. Again, the government relied on generalities in invoking the exception, as it did in its attempts to legitimize its crackdown for reasons of public order, public health and morals, and rights and freedoms of others.⁹⁰ Falungong protests have not even blocked traffic, let alone caused a public disturbance.

Overseas practitioners traveled to the mainland, many on Chinese passports, from Canada, the U.S., Australia, Japan, and other countries in part to demonstrate the worldwide appeal of Falungong, in part to help organize protests and devise strategies. Many were quickly caught, held briefly for questioning, and deported.⁹¹ Once home, they publicized their own experiences in custody as well as the pressures their Chinese counterparts faced. By the end of November 1999, *People's Daily* had denounced Falungong for colluding with “foreign anti-China forces”; by mid-April 2000, the government accused Li Hongzhi and Falungong of having “publicly given themselves up to the anti-China forces and actively served as their

⁸⁸ Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, N.P. Engel, Publisher, Strasbourg, 1993, pp. 373-74.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ “Alabama Couple Arrives from China After Detention,” Dow Jones International News, October 25, 2000; Annemarie Evans, “Falun Gong seven arrived by boat,” *South China Morning Post*, March 11, 2000; “Bridgewater woman freed after arrest in China for belonging to Falun Gong,” Associated Press Newswires, February 5, 2000.

anti-China tool.”⁹² By May, Teng Chunyan, a U.S. permanent resident and Falungong member, was in detention. Her three-year sentence in December 2000 for “spying and illegally revealing information to overseas agents” effectively shut down overseas participation in Falungong activities within China proper.⁹³

Other Falungong activities were curtailed as the risks associated with them escalated. In December 1999, the central government had instituted a policy which made local officials, from governors on down, personally responsible if residents from their areas reached Beijing to protest.⁹⁴ As the incidence of demonstrations increased and as the central government’s frustration grew, so did the pressure on local officials to stem the flow of protestors.

In at least one city, Weifang, Shandong province, the results were disastrous. The city’s proximity to Beijing, only some 300 miles distant, the existence of a direct railroad link and relatively good roads, and the large concentration of Falungong followers in the area made it reasonably easy for practitioners to travel to Tiananmen Square time and again. As the protests escalated, so did the threat to local officials’ careers, even the governor’s.⁹⁵ He responded by setting up a system of fines for officials who allowed practitioners to reach Beijing. The provincial government fined mayors and county heads who in turn fined Political and Legal Commission members;⁹⁶ they then fined village chiefs who fined the police officers in what had come to be called “transformation centers,” special detention facilities

⁹² Joe McDonald, “China detains American, Australians, Swede,” Associated Press Newswires, November 25, 1999; “Chinese official accuses Falun Gong sect of pursuing ‘anti-China’ line,” BBC Monitoring, April 19, 2000, from Xinhua; Christopher Bodeen, “US-based Falun Gong member put on trial for spying,” Associated Press Newswires, November 23, 2000.

⁹³ “FM Spokeswoman on Imprisonment of Spy,” *People’s Daily Online*. <http://english.peopledaily.com.cn>, December 14, 2000.

⁹⁴ For details, see Ian Johnson, “Death Trap: How One Chinese City Resorted to Atrocities to Control Falun Gong --- Pressured by their Superiors, Weifang’s Police Tortured Members of Banned Sect --- The Makeshift Jail in Beijing,” *Wall Street Journal*, December 26, 2000.

⁹⁵ Ian Johnson, “China Reports Suicide by Sect Adherent -- Beijing Speedily Releases an Account, but Stays Tight-Lipped on Motives,” *Wall Street Journal*, February 20, 2001.

⁹⁶ The Political and Legal Commission is a Chinese Communist Party organ that gives policy direction to several government bodies including the judiciary. There is a national-level commission as well as provincial, municipal, and county-level commissions, organized hierarchically. The decisions of the commissions can directly affect verdicts and sentences.

that used brainwashing and physical abuse to “help” practitioners renounce Falungong beliefs. As a result of the new system, police beatings in the Weifang area increased in severity, partly as a warning to practitioners to stay out of Beijing, and partly to extort money to cover the officers’ fines.⁹⁷ Suspicious deaths in custody in Shandong province significantly outstripped those in other parts of China.⁹⁸

By October 2000, a year after the “evil cult” regulations went into effect, the government was demonstrating less and less tolerance for rank-and-file practitioners who continued to defy the government by participating in protest rallies. Instead of sending them back to their hometowns for “transformation,” they were immediately detained. If they were identified as repeat offenders, they were quickly sentenced administratively and shipped to reeducation through labor camps, some to serve sentences as long as three years.⁹⁹ In addition, officials apparently cared so little about international condemnation that they hardly bothered to hide the daily brutality in Tiananmen Square.

The leadership’s frustration with the failure of its efforts to quickly and thoroughly dismantle Falungong was also evident in its media campaign. A long Xinhua commentary in October 2000 restated allegations of the cult’s danger, detailing how totally corrupt it was, how little support it had among the masses, and how it “openly opposes the party and government and has transformed completely from head to tail into a reactionary political organization with the aim of overthrowing the People’s Republic of China and the socialist system.”¹⁰⁰ By January 2001, the government had to admit that, contrary to earlier statements, the war had not yet been won, and the “broad masses” had to be made to understand the “duration, complexity and ferocity of our battle with Falun Gong.”¹⁰¹ In an effort to showcase Falungong’s tenacity and deviousness, China Central Television, for the first time, aired footage of protests and of followers claiming divinity.

By the Lunar New Year 2001, the government’s campaign began to make significant headway. On January 23, New Year’s Eve, and for China the eve of the new millennium, a group of men and women attempted to set themselves on fire in Tiananmen Square. One woman died on the spot; her twelve-year-old daughter

⁹⁷ Johnson, “Death Trap...,” *Wall Street Journal*.

⁹⁸ *Ibid.*

⁹⁹ “HK Paper: Beijing Decides to Send Falungong Members to Labor Reform Camps,” FBIS, October 16, 2000, from Hong Kong *Ming Pao* (Internet Version-WWW), October 12, 2000.

¹⁰⁰ “Falun Gong separatists forming anti-Chinese Communist Party Front - Xinhua,” BBC Monitoring, October 10, 2000.

¹⁰¹ “China turns up heat on banned meditation sect,” Associated Press Newswires, January 12, 2001.

succumbed weeks later; three people were hospitalized; and two failed to ignite the gasoline they carried.¹⁰² On March 1, Chinese authorities announced the arrest of two persons who, they said, had helped orchestrate the self-immolations.¹⁰³

Li Hongzhi and Falungong spokespersons immediately denied that practitioners were involved, pointing out first that Falungong doctrine forbade suicide, and later that inconsistencies in the Chinese reports of the incident suggested Chinese authorities had staged the immolations.¹⁰⁴ Others viewed the Falungong disclaimer with a good deal of skepticism, and questions about the incident, such as whether practitioners were involved and the role of security officers, remain unresolved.¹⁰⁵

China responded to the event unusually quickly, completely shutting down Tiananmen Square and whipping up public revulsion. Within a month, authorities issued a print run of glossy pamphlets entitled “The Whole Story of the Self-Immolation Incident Created by Falun Gong Addicts in Tiananmen Square,” which featured color photographs of the charred bodies. Officials also attempted to claim the moral high ground by presenting their response to Falungong as protection of human rights, energetic participation in a worldwide effort to limit the ravages caused by cults, and patient, professional efforts to deprogram misguided Falungong victims.¹⁰⁶ According to the secretary general of the State Council’s

¹⁰² “Girl Who Immolated Herself in Beijing Dies,” Associated Press, March 19, 2001; “Chinese TV carries interview with suicide bid woman,” BBC Monitoring, January 30, 2001, from China Central TV, January 20, 2001.

¹⁰³ “Two arrested for organising group suicide,” Associated Press, March 1, 2001; “China: Police give details of events leading up to Falun Gong self-immolations,” BBC Monitoring, March 1, 2001, from Xinhua, February 28, 2001.

¹⁰⁴ “Falun Gong denies tie to self-immolation attempts: One dead, 4 injured in Tiananmen Square, Beijing,” CNN, January 24, 2001; “Self-Immolation or Deception?” <http://www.clearwisdom.net/emh/articles/2001/4/28/9139.html>; “China National Security Bureau Involved in Self-Immolation Incident,” <http://www.clearwisdom.net/emh/articles/2001/4/25/6762.html>.

¹⁰⁵ Ian Johnson and Peter Wonacott, “Immolations Mark Protests by China Sect,” *Wall Street Journal*, January 24, 2001.

¹⁰⁶ In February 2001, the official death count was 1,660 of which 239 allegedly were suicides. “Chinese Official Says Falungong Leads to 1,660 Deaths,” FBIS, February 28, 2001, from Xinhua, February 27, 2001; “Cults Harm Lives,” *Renmin Ribao*, March 1, 2001, in “RMRB Commentator Blasts Falungong Leader Li Hongzhi,” FBIS, March 2, 2000; “CAS President Lu ‘Shocked,’ ‘Outraged’ by Falungong Incident,” FBIS, February 1, 2001, from Xinhua, January 31, 2001; “PRC Official: Falungong Banned to Safeguard Human Rights,” FBIS, February 28, 2001, from Xinhua, February 27, 2001; “China Urges World to Join in Battle

Office for the Prevention and Handling of Evil Cults (established in November 2000), "China's effort to expose and criticize 'Falungong'[is] part of the world's anti-cult struggle. We are ready to form the broadest united front with the global anti-cult struggle."¹⁰⁷ He went on to compare Falungong to the Branch Davidians in the U.S., the Aum Shinrikyo in Japan, and the Movement for the Restoration of the Ten Commandments of God in Uganda.

Chinese authorities used the tragedy of the twelve-year-old immolation victim as an opportunity to stress their concern for children and to educate youngsters to the alleged evils of Falungong.¹⁰⁸ "Veteran comrades," members of provincial committees of the government-established Work of Caring for Future Generations, held forums to expose the "true nature" of Falungong to students and teachers.¹⁰⁹ In response to a call from the official Communist Youth League, some eight million students joined the newly formed Anti-Cult Action by the Youth Civilized Communities Across the Nation and began propaganda and educational activities in one hundred cities using window displays, posters, leaflets, video displays, and

Against Cults," Agence France-Presse, February 12, 2001; "Falun Gong Practitioners' Life at Re-education Institute," *People's Daily Online*, <http://english.peopledaily.com.cn/200102/18/print/20010218-62663.html>, February 18, 2001; "Under Fire, China Defends Falun Gong Crackdown," Reuters, February 27, 2001.

¹⁰⁷ Zheng Wen, "China's Efforts to Expose and Criticize 'Falungong' Are a Component Part of the World's Anti-Cult Struggle," Xinhua, February 12, 2001, in "PRC Official Calls on Other Nations To Support China's Anti-Cult Struggle," FBIS, February 14, 2001; Zheng Li, "Evil Cults Have Become Public Enemy of Mankind," *Renmin Ribao* (Guangzhou South China News Supplement) (Internet Version-WWW), February 9, 2001, in "'Evil Cults' Said Public Enemy of Mankind," FBIS, February 14, 2001. In August 2001, in response to a written question submitted by the *New York Times*, President Jiang Zemin reiterated the charge, saying, "Cult is a public hazard of the present-day world. All countries should therefore strengthen cooperation to combat cults." ("Jiang's Responses to Questions Submitted Prior to Interview," by the *New York Times*, August 10, 2001.)

¹⁰⁸ "All China Women's Federation Stresses Protecting Children Against Cult," *People's Daily Online*, February 23, 2001; "Campuses Reject Evil Cult, Students From All Universities, High Schools and Middle Schools Actively Throw Themselves Into Struggle to Oppose Evil Cult of 'Falungong,'" Xinhua, February 12, 2001, in "PRC Schools, Colleges Engage in Struggle Against 'Falungong,'" FBIS, February 23, 2001.

¹⁰⁹ "Xinhua: Veteran Comrades Denounce Falungong, Li Hongzhi," World News Connection, February 12, 2001, from Xinhua.

lectures to advocate science and denounce Falungong. Anti-Falungong classes were scheduled in schools; and 12 million youngsters nationwide reportedly denounced Falungong in writing.¹¹⁰

Officials saved their harshest rhetoric for Li Hongzhi, comparing him to Hitler, and labeling the self-immolations a direct result of his “incitement and spiritual control.”¹¹¹ As evidence, they cited brief passages of Li’s writings out of context that appeared to support their claims.¹¹² The incident also provided an opportunity for the Chinese leadership to disparage “heresies” which, it claimed, Li had deliberately spread through “cheating, hinting, rumor-mongering, intimidating” in order to deceive practitioners.¹¹³

In a more virulent replay of the August 1999 effort, all sectors of society were mobilized. *People’s Daily*, the Party newspaper, and Xinhua, the official news service, ran lengthy “exposés.”¹¹⁴ In Shanghai, a petition to combat “evil cults,” first circulated on February 13, was expected to yield 100,000 signatures within a ten-day period.¹¹⁵ Religious leaders expressed their anger, and jurists insisted on further legal action.¹¹⁶ High on the list of the leadership’s priorities was publication of

¹¹⁰ “12 million young ‘sign up to denounce sect,’” *South China Morning Post*, February 19, 2001; “8 Million Youngsters Plunge Into ‘Anti-Cult’ Action by Youth Civilized Communities Across Nation,” Xinhua, February 5, 2001, in “8 Million Youngsters Across China Join in ‘Anti-Cult’ Action,” FBIS, February 12, 2001; Clara Li, “Schools ordered to teach Anti-Falun Gong classes,” *South China Morning Post*, February 3, 2001.

¹¹¹ “‘Falungong’ and Fascists,” *Renmin Ribao*, February 3, 2001, in “RMRB Compares Falungong to Hitler, Other Fascists,” FBIS, February 12, 2001.

¹¹² “Why Does Li Hongzhi Induce His Followers to Burn Themselves to Death in Groups?,” Zhongguo Tongxun She, February 9, 2000, in “ZTS on Li Hongzhi’s ‘Falungong’ Burning Themselves to Death,” FBIS, February 27, 2001; “Tiananmen Tragedy: A Conspiracy by Falun Gong Cult,” Xinhua, February 28, 2001, in “PRC Police Blame Tiananmen Self-immolations on Falungong ‘Conspiracy,’” FBIS, March 2, 2001.

¹¹³ “Heresies Are Injurious to Lives: Commentary,” *People’s Daily Online*, March 1, 2001.

¹¹⁴ “Falun Followers Urged to Wake Up,” Xinhua, in *People’s Daily Online*, February 20, 2001; “Li Hongzhi’s Malicious Fallacies Denounced,” *People’s Daily Online*, February 12, 2001.

¹¹⁵ “Shanghai Residents Sign Petition To Show Opposition To Evil Cults,” World News Connection, February 13, 2001, from Xinhua.

¹¹⁶ “Chinese Religious Leaders Indignant over Falun Gong,” *People’s Daily Online*, February 1, 2001; “Falun Gong denies tie...,” CNN, January 24, 2001; “Beijing Jurists Call for Legal Actions Against Falun Gong,” *People’s Daily*

recantations by former Falungong members.¹¹⁷

The most significant changes came after a Central Work Conference (a meeting of high Party officials from all over China called by the Party Central Committee) in mid-February 2001, when President Jiang told provincial and municipal Party officials to strengthen local control over Falungong practitioners.¹¹⁸ The plan called for the immediate formation of local “anti-cult task forces” and similar units in universities, state enterprises, and social organizations to augment the “610 office” (named for the date of its founding), which reportedly had been directing the crackdown since June 10, 1999, and the “propaganda work office, which was in charge of the media campaign.”¹¹⁹ It ordered local officials to detain active practitioners and to make certain that families and employers guaranteed the

Online, February 5, 2001.

¹¹⁷ “Coming Out of a Haze, Re-molding One’s Life -- Analysis of Typical Cases of Transformation of Obsessed ‘Falungong Adherents,’” Xinhua, May 22, 2001, in “Xinhua Reports Experiences of ‘Reformed’ Falungong Members, FBIS, June 1, 2001; “China Publishes Excerpts of Alleged Falun Gong Diary,” Agence France-Presse, February 11, 2001; “To Live, Keep Away From Falun Gong,” Xinhua, March 1, 2001, in “Xinhua: Former Falungong Member Says Practice Made Her ‘Whiny,’ Suicidal,” FBIS, March 2, 2001; “Former Falungong Followers Say ‘Sorry’ To Government,” FBIS, March 2, 2001, from Xinhua, March 1, 2001; “The Reason I Deserted the Cult: Confession of Former Falun Gong,” Xinhua, February 15, 2001, in “PRC: Confession of a Former Falungong Practitioner Reveals Reasons To Leave Cult,” FBIS, February 16, 2001; “Dialogue With A Former Falungong Practitioner,” Xinhua, February 15, 2001, in “Xinhua Interviews ‘Former Falungong Practitioner,’” FBIS, February 16, 2001.

¹¹⁸ A Central Work Conference is called when the Party leadership wants to ensure that central Party directives are relayed to all locales; it is an “informal” meeting to work out logistic details before a “formal” Party conference. The membership varies with the topic to be discussed. See “New phase in fight against sect,” Vivien Pik-kwan Chan, *South China Morning Post*, February 13, 2001. See also, “Forecast on ‘Two Sessions’ Issue,” Zhongguo Xinwen She, February 20, 2001, in “‘Two Sessions’ To Discuss ‘Falungong,’” FBIS, February 22, 2001.

¹¹⁹ “PRC Intensifies Falungong Crackdown, Sets Up Anti-Cult Task Forces,” FBIS, February 16, 2001, from *Hong Kong iMail* (Internet Version-WWW), February 15, 2001; “Provincial On-the-Spot Conference on Educating and Transforming ‘Falungong’ Followers Stresses Need To Tighten Measures for Addressing the ‘Falungong’ Issue Radically,” *Nanjing Xinhua Ribao*, June 9, 2001, in “Jiangsu Deputy Secretary Speaks on Educating, Transforming Falungong ‘Diehards,’ ‘Zealots,’” FBIS, June 22, 2001.

isolation of those unwilling to formally recant. There were reports that the central government had ordered local officials to use systematic violence and stepped up psychological coercion, the latter conducted by former adherents, against hard-core practitioners.¹²⁰ Estimates at the time suggested that 10,000 practitioners were in custody, 5,000 were refusing to renounce their beliefs, and 1,000 known activists were at large.¹²¹ In addition, officials worried that many of those who had been held only briefly—estimated in the tens of thousands—would return to practice if controls were even minimally relaxed.¹²²

In sum, China's leaders seemingly were leaving nothing to chance. At the same time as they were again claiming "a great victory" and rewarding some 1,600 citizens who had contributed to it, they warned that the goal of completely eliminating Falungong entailed a "complicated, sharp and long-term" struggle.¹²³

The deaths in Tiananmen Square also forced a change in Falungong tactics. The daily small-scale demonstrations in Beijing ceased all together. The leadership may have concluded that the protests had outlived their usefulness for demonstrating Chinese abuses or for informing an overseas audience of Falungong's harmlessness. The organization's tacticians may also have been fearful of additional self-immolations and the damage that another such incident might do to Falungong's international reputation. In addition, stepped-up surveillance by China's security forces may have prevented practitioners from reaching Beijing, or the danger to protestors may have become too great to tolerate.¹²⁴

Falungong's new strategy was directed towards getting the word out, both within China and overseas, about the treatment of Falungong practitioners in custody. The organization raised its concerns at the March-April 2001 meeting of the United Nations Human Rights Commission (CHR) in Geneva, on the anniversaries of the April 1999 protest and the July 1999 ban, and during the

¹²⁰ John Pomfret and Philip Pan, "Torture Is Breaking Falun Gong, China Systematically Eradicating Group," *Washington Post*, August 5, 2001.

¹²¹ Charles Hutzler, "Falun Gong Feels Effect of China's Tighter Grip --Shift Means Even Private Practice is Banned," *Asian Wall Street Journal*, April 26, 2001.

¹²² Hutzler, "Falun Gong Feels Effect...," *Asian Wall Street Journal*; Erik Eckholm and Elisabeth Rosenthal, "China's Leadership Pushes for Unity," *New York Times*, March 9, 2001.

¹²³ "Li Lanqing Addresses Meeting for 1,600 Anti-Falungong Personnel," FBIS, January 27, 2001, from Agence France-Presse, January 26, 2001; "People's Daily Editorial on Fighting Falun Gong Cult," *People's Daily Online*, <http://english.peopledaily.com.cn/200102/26/print20010226-63456.html>, February 26, 2001.

¹²⁴ "Falungong Members Arrested in China on Key Anniversary," FBIS, April 26, 2001, from Agence France-Presse, April 25, 2001.

unexpected presence in New York of an official from Hubei province allegedly closely associated with the crackdown.¹²⁵ Falungong spokespersons arranged press conferences and rallies in major world cities, organized marches and motorized processions, orchestrated hunger strikes around the world, and issued numerous press releases. Falungong websites, accessible from some forty-five countries, continued to document China's human rights abuses.

Within China, Falungong used mass mailings and handouts instead of demonstrations to "spread the truth" and to counter the ubiquitous official version of Falungong as an "evil cult."¹²⁶ In a press release dated August 9, 2001 and issued in New York, Falungong acknowledged the tactic and indicated that "Practitioners sometimes also manage to post large posters and banners in major thoroughfares. They even set up loudspeakers on rooftops or trees around labor camps and in densely populated areas to broadcast news about the human rights abuses..."¹²⁷

Through a series of web-based pronouncements, Li Hongzhi sought to hold together core practitioners inside China.¹²⁸ With Falungong's tight organizational structure compromised by the on-going crackdown, computer savvy Falungong followers risked arrest in order to circumvent government computer firewalls and relay Li's words to other practitioners.¹²⁹ It was not until December 24, 2001 that word of the arrests of six such practitioners between January and April 2001 came to light. On December 13, Beijing First Intermediate Court reportedly sentenced the six, all associated with Qinghua University, China's most prestigious science and technology institution, to terms ranging between three and twelve years for

¹²⁵ "Press Statement by Falun Gong Practitioners in Geneva During the United Nations Human Rights Commission," March 19, 2001. At <http://www.clearwisdom.net/eng/2001/Mar/28/NMR032801-1.html>.

¹²⁶ Agence France-Presse, "Falungong Members Arrested...," FBIS, April 26, 2001; Ian Johnson, "Falun Gong Faces Added Pressure As Crackdown Grows -- In China, Founder's Demand Entails Risk and Sacrifice -- Why Ms. Zhang Can't Go Home," *Wall Street Journal*, March 28, 2001.

¹²⁷ "Falun Gong: Torture and Escape Across 8,000 Miles," Falun Dafa News, press release, August 9, 2001.

¹²⁸ Current lists and reports available at <http://www.clearwisdom.net/book4/CategoryIndex.htm>; "Coercion Cannot Change People's Hearts," <http://www.clearwisdom.net/emh/articles/2001/3/6/6679.html>; "Falun Gong leader calls China crackdown futile," *South China Morning Post*, March 8, 2001.

¹²⁹ Craig S. Smith, "Sect Clings to the Web in the Face of Beijing's Ban," *New York Times*, July 5, 2001.

distribution of Falungong material downloaded from the Internet.¹³⁰

In preparation for the CHR meeting, Falungong issued three lengthy reports, on abuses against women, on psychiatric abuse, and on conditions in labor camps.¹³¹ In a January 19, 2001 letter, the U.N. Special Rapporteur on Violence Against Women communicated to Chinese authorities her “grave concerns” about the persecution of women in labor camps and transformation centers and inquired about forty specific cases.¹³² As of late December 2001, the government had not responded, though it is not unusual for a government to take more than a year to do so. Nor are there any reports that Beijing has responded to a request for information submitted by the U.N. Special Rapporteur on Torture submitted on August 10, 2000.

In Geneva, Chinese delegates were unsuccessful in their attempts to counter Falungong’s presence at the CHR by, for example, removing the organization’s literature from outside the meeting room.¹³³ A Chinese demand for cancellation of a Falungong press event scheduled to be held at a U.N. building was rebuffed by the sponsoring organization, the Geneva Association of U.N. correspondents.¹³⁴

Falungong held demonstrations around the world commemorating the second anniversary of the mass protest at Zhongnanhai on April 25, 1999. In Tokyo, some sixty practitioners marched; in Hong Kong, some 200.¹³⁵ Other followers gathered in cities in Europe, the U.S., and Australia. In Beijing, some thirty scattered

¹³⁰ Elizabeth Rosenthal, “China Jails 6 for Spreading Sect’s Material,” *New York Times*, December 24, 2001.

¹³¹ “Women of Conscience: A Report on the Persecution of Female Practitioners of Falun Gong in the People’s Republic of China,” Falun Dafa Information Center, April 2001; “Special Report: Psychiatric Abuses,” Falun Dafa Information Center, Human Rights Abuses Against Falun Gong in People’s Republic of China, April 2001; “Special Report: Labor Camps, Detention Centers, Police Departments, and other State Facilities,” Falun Dafa Information Center, Human Rights Abuses Against Falun Gong in People’s Republic of China, February 2001.

¹³² “Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women,” United Nations Economic and Social Council, E/CN.4/2001/73/Add.1, 13 February, 2001.

¹³³ Personal communication from Human Rights Watch staff present in Geneva, April 2001.

¹³⁴ “China makes formal complaint about Falun Gong meeting,” Associated Press Newswires, April 9, 2001.

¹³⁵ “Falun Gong Members Hold Vigil in New York,” Reuters, April 26, 2001; “Police beat and drag away 32 sect protestors,” *South China Morning Post*, April 26, 2001; Hutzler, “Falun Gong Feels Effect...,” *Asian Wall Street Journal*.

practitioners braved extraordinarily tight security to demonstrate, but police officers broke up the protests within minutes, dragging participants to waiting vans. Police officers also forced tourists photographing the incidents to expose their film.¹³⁶

Falungong practitioners' preparations for the second anniversary of the July 22, 1999 ban on their activities were more extensive. Organized around the theme "SOS! Urgent: Rescue the Falun Gong Practitioners Persecuted in China," the campaign highlighted alleged torture, beatings, and deaths inside and outside prisons and labor camps. Most of the activity took place in the U.S. with followers from New York, Boston, Philadelphia, and Orlando marching to Washington D.C. to join followers from California in a July 19 rally. Groups in Taiwan and Hong Kong and marchers in Australia, Sweden, and Germany, relayed the same demand.¹³⁷

An official Chinese government report intimated that overseas Falungong practitioners bore some responsibility for the deaths highlighted in the "SOS! Urgent" campaign through messages they allegedly had sent to their Chinese counterparts implying that "going to heaven after death is the highest level of practising."¹³⁸ Falungong representatives countered, as they had after the Lunar New Year's Eve deaths in Tiananmen Square, that "Falun Gong teaching does not permit killing, even ourselves."¹³⁹ However, on June 23, Li Hongzhi had written that "the old, evil forces...have taken advantage of the unremoved notions that are at Dafa disciples' human surface...to make their righteous thoughts falter. That is why some students aren't able to endure amidst the agony of the persecution, and have done what a Dafa disciple can and should not do." He went on, "Those who are 'reformed' and those who are being saved can only be beings deceived by the

¹³⁶ "Anniversary of China Sect Crackdown," Associated Press, July 20, 2001; "Protests Mark Falun Gong Anniversary, Associated Press, July 22, 2001; "Police Quell Falun Gong Protests," Reuters, July 23, 2001; "Police beat and drag..." *South China Morning Post*, April 26, 2001.

¹³⁷ "Falun Gong followers march for 10 days to Australian capital," Reuters, July 20, 2001; Kong-La-fan, "Taiwan Falun Gong rallies on crackdown anniversary," *South China Morning Post*, July 21, 2001; "Hong Kong Falun Gong Mark Second Anniversary of China's Ban," Agence France-Presse, July 20, 2001; "Report from the SOS March in Sweden," Falun Dafa Clearwisdom.net, <http://www.clearwisdom.net/emh/articles/2001/7/18/12373.html>; "German Practitioners Hold SOS March in Berlin on July 20," F a l u n D a f a C l e a r w i s d o m . n e t , <http://www.clearwisdom.net/emh/articles/2001/7/25/12514.html>.

¹³⁸ "Sect suicides 'ordered from overseas,'" *South China Morning Post*, July 5, 2001.

¹³⁹ Ibid.

evil.”¹⁴⁰ This message to practitioners, although ambiguous, has been interpreted by some academics studying Falungong as a call not to recant, and as a declaration that the sufferings practitioners are made to endure will bring them nearer to “consummation,” that is enlightenment and an indestructible body

Chinese officials signaled through public statements and legal initiatives and through less-well publicized security strategies that they had no intention of relaxing the pressure. Public activities included an anti-cult exhibit in Beijing, a media blitz on the evils of Falungong featuring former adherents, and announcements about the trials of those allegedly responsible for orchestrating the self-immolation deaths in Tiananmen Square in January 2001.¹⁴¹ More importantly, behind the scenes, China’s leaders continued to enforce the “responsibility system,” whereby “all levels of government leaders, police, neighborhood cadres, work units and family members must receive punishment” if a practitioner reaches Beijing to protest.¹⁴² The tactic made it possible to keep Falungong from making international headlines and allowed local authorities to continue to persecute believers with little chance of eyewitness international coverage. Overseas, Chinese embassy officials took on the task of weakening international support for Falungong.¹⁴³

In March 2001, in speeches before the National People’s Congress, Premier Zhu Rongji and the second highest ranking figure in the CCP, former premier Li Peng, had made clear that elimination of Falungong was one of the year’s top priorities.¹⁴⁴ On June 11, promulgation of a new interpretation of the Criminal Law by the Supreme People’s Court and the Supreme People’s Procuratorate further escalated the crackdown. Interpretation II, as it was known, applied specifically to “cult organizations” and, according to Chinese authorities, was a response to

¹⁴⁰ “D a f a i s I n d e s t r u c t i b l e ,” <http://www.clearwisdom.net/emh/articles/2001/6/25/11694.html>, June 23, 2001.

¹⁴¹ “China puts Falun Gong suicide planners on trial,” Reuters, July 20, 2001.

¹⁴² Quoted from a Communist Party document seen by *Time* magazine. See Matthew Forney, “The Breaking Point,” *Time Asia*, June 26, 2001.

¹⁴³ “China Expanding Its Campaign against Overseas Falun Gong,” Associated Press, July 9, 2001; “China Urges U.S. Not to be ‘Blinded’ by Falun Gong,” Agence France-Presse, July 20, 2001.

¹⁴⁴ Christopher Bodeen, “China: Full text of premier’s report to NPC on 10th Five-Year Plan,” BBC Monitoring, March 5, 2001, from China Central TV, March 5, 2001; “Top Chinese Legislator Warns Colleagues About Corruption,” Associated Press, March 10, 2001.

Falungong's "new schemes" and "new means."¹⁴⁵ It clarified the punishments for a range of crimes, including incitement to injure oneself, self-immolation, leaking state secrets, subversion, separatist activities, small-scale "assemblies" by members of a banned sect, and small-scale publishing and distribution.¹⁴⁶

At roughly the same time, "Opposing Religious Cults, Upholding Civilization," an anti-cult exhibition in Beijing's Chinese Revolutionary Military Museum, served as the centerpiece of the government's public activities, attracting more than 200,000 visitors according to official reports.¹⁴⁷ Li Lanqing, vice-premier and member of the Standing Committee of the Politburo, was one of many high officials who made an appearance to warn that Falungong "will definitely use other tricks to make a last-ditch struggle, to create chaos and to destroy."¹⁴⁸ State television followed his progress through the exhibition as he examined photographs of charred bodies and other macabre displays intended to showcase Falungong's evil ways and emphasize the harm belief could precipitate. Television coverage also made a point of informing viewers of China's involvement in what it alleged was a worldwide effort to eradicate dangerous cults. Official newspapers featured a group of more than one hundred former practitioners at the exhibit who had nothing

¹⁴⁵ "Responsible Persons of the Supreme People's Court and Supreme People's Procuratorate Answer Questions by a Xinhua Reporter: Correctly Apply Laws To Crack Down On the Criminal Activities of Cult Organizations," Xinhua, June 10, 2001, in "Responsible Persons of Supreme People's Court and Supreme People's Procuratorate Answer Xinhua Questions on Cracking Down On Cult Organizations," FBIS, June 13, 2001.

¹⁴⁶ See for example, "Falun Gong followers arrested," Agence France-Presse, March 10, 2001; "China jails 13 more Falun Gong activists," Reuters, March 13, 2001.

¹⁴⁷ "Pursuing Civilization, Keeping Away From the Evil -- Sidelights on Beijing Exhibition Against the Falungong," Xinhua, July 16, 2001, in "Beijing Exhibition Against Falungong Jointly Sponsored by Central Organs," FBIS, July 20, 2001; "Comments from China's Anti-Cult Exhibition," *People's Daily Online*, http://english.peopledaily.com.cn/200107/27/eng20010727_75930.html, July 27, 2001.

¹⁴⁸ "Li Lanqing Visits Anti-Falungong Exhibition," FBIS, July 17, 2001, from Xinhua, July 16, 2001; "Leader Sees 'Last-ditch Struggle' by Falun Gong," Deutsche Presse-Agentur, July 17, 2001; "Anti-Cult Exhibition to Be Held in Beijing," *People's Daily Online*, http://english.peopledaily.com.cn/200107/15/eng20010715_75004.html, July 15, 2001.

but praise for the government's success in "rescuing" them.¹⁴⁹ Sponsoring organizations included the Party's Central Propaganda Department and its Central Commission for Guiding the Work of Spiritual Civilization Building, the State Council Office for Guarding Against and Handling Cult-Related Issues, the Public Security Ministry, the Ministry of Justice, and the Chinese Association of Science and Technology.¹⁵⁰

On July 19, five followers, including immolation survivor Wang Jindong, went on trial "for using an evil cult to organize a homicide." Interpretation II had made clear that those found guilty of "organizing suicide plots" would be charged with murder and subject to the death penalty.¹⁵¹ The following day, *People's Daily* denounced Falungong's "anti-humanity" stance with a story, complete with a picture of the corpse, about a dedicated practitioner who allegedly neglected her health to support Li Hongzhi and whose death did not affect other practitioners' support for Falungong. To draw attention to China's policy of ever greater efforts to help followers understand Falungong's fallacies, the article highlighted the revulsion allegedly felt not only by the general public but by those former practitioners who had been "successfully" reeducated.¹⁵² On August 17, Beijing's

¹⁴⁹ "Former Falun Gong Addicts Visit Anti-Cult Exhibition," *People's Daily Online*, http://english.peopledaily.com.cn/200107/22/eng20010722_75531.html, July 22, 2001; "Police quell Falun Gong Protests," Reuters, July 23, 2001.

¹⁵⁰ The "spiritual civilization" campaign, begun in early 1996 by President Jiang Zemin, called for a return to socialist orthodoxy, warning that ideology, i.e., adherence to the Party line, could not be sacrificed for economic development. "Large Exhibition 'Opposing Religious Cults, Upholding Civilization,' Opens in Beijing," Xinhua, July 15, 2001, in "Propaganda Official Addresses Opening of Exhibition Against 'Falungong,'" FBIS, July 17, 2001.

¹⁵¹ Xinhua, "Responsible Persons of the Supreme People's Court..." FBIS, June 13, 2001.

¹⁵² "Another Irrefutable Evidence of Falun Gong's Anti-Humanity," *People's Daily Online*, http://english.peopledaily.com.cn/200107/20/eng20010720_75398.html, July 20, 2001; "People Across China Denounce Falun Gong Cult," *People's Daily Online*, http://english.peopledaily.com.cn/200107/23/eng20010723_75613.html, July 23, 2001. See also, "Scrupulously Fulfilling Our Duty and Stressing Actual Results," *Renmin Ribao (Internet Version -WWW)*, June 18, 2001, in "RMRB Commentator Stresses Educating Falungong Followers; Calls for Results," FBIS, June 19, 2001; "Provincial On-the-Spot Conference on Educating and Transforming 'Falungong' Followers Stresses Need To Tighten Measures for Addressing the 'Falungong' Issue Radically," *Nanjing Xinhua Ribao*, June 9, 2001, in "Jiangsu Deputy Secretary Speaks on Educating, Transforming Falungong 'Diehards,' 'Zealots,'"

No.1 Intermediate People's Court found the five defendants in the immolation case guilty of murder. Four of the five received sentences ranging from seven years to life in prison. The fifth, who reportedly confessed to her crime and implicated the others, was exempted from punishment. On August 19, the *Beijing Daily (Beijing Ribao)* reported that forty-five followers had been tried in nine separate cases over the "past few days." At least five were sentenced to terms of up to thirteen years for a variety of offenses including renting a safehouse, organizing the printing of leaflets and banners, and recruiting followers for protests.¹⁵³

As of December 2001, there was reason to believe that Falungong was having a hard time keeping its movement alive. China, using an array of legal and extra-legal tools had completely shut down public practice and demonstrations by Falungong adherents. Practice at work units was further curtailed. Some units had always summarily fired known practitioners, with job loss often meaning lost housing, lost schooling, lost pensions, and a report to the police. Other work units, especially those far removed from Beijing, had for a time overlooked solitary exercise and meditation until controls were tightened nationwide after the January 2001 deaths.¹⁵⁴ Although followers presumably could continue with solitary practice at home, even private practice proved dangerous when it was brought to the attention of the police or to Party officials.

FBIS, June 22, 2001; "Falun Gong Crime Widely Condemned," *People's Daily Online*, http://english.peopledaily.com.cn/200107/21/eng20010721_75494.html, July 10, 2001.

¹⁵³ "China jails 45 Falun Gong organizers," *South China Morning Post*, Reuters, August 20, 2001.

¹⁵⁴ Hutzler, "Falun Gong Feels Effect..." *Asian Wall Street Journal*.

IV. ZHANG KUNLUN -- AN ILLUSTRATIVE CASE ¹⁵⁵

Zhang Kunlun, a dual citizen of Canada and China, was detained four times in China between June 30, 2000 and his final release on January 10, 2001 for being a Falungong practitioner.¹⁵⁶ The last arrest on November 14, 2000 resulted in his being sentenced administratively to a reeducation through labor term. He has said that he was never officially told the length of his sentence, but he thought it was for three years. With a 900-person Canadian trade delegation due to visit China in February 2001, camp authorities released Zhang less than two months into his term after he allegedly renounced his belief in Falungong. As described in detail below, Zhang's case illustrates important themes running through China's response to the Falungong "threat" and Falungong's response to China's repression.

Mr. Zhang, accompanied by his wife, Zhang Shumei, and two daughters, left China for Canada in 1989 to take up a one-year visiting scholarship invitation from McGill University for research in sculpture. After his scholarship ended, he elected to stay on to work professionally as a sculptor and to become a Canadian citizen. Qigong had been a part of Zhang's and his wife's routine before they left China. In February 1996, after a visit there to see her ailing mother, Zhang Shumei brought Falungong materials back to Canada. Feeling that "Falungong was better than other qigong," the couple switched.

In April 1996, a family emergency in China required that Zhang and his wife immediately travel there. Rather than wait for visa applications to be processed, they used their Chinese passports. For personal reasons, the family decided to stay in China, settling in Jinan, the capital of Shandong province. Zhang continued to sculpt and to pursue his research interests at Shandong Art University, where earlier he had been dean of the art department.

Once back in China permanently, Zhang and his wife practiced with others in public. As Zhang told Human Rights Watch: "There was no trouble...no problems. Falungong was available in almost every park. There was no need to join an organization or tell anyone..." Zhang practiced with a group of forty or fifty, "a mixed group, students, old people, government officials, everyday people, half men, half women." The group met twice a day for an hour each time. "You could go to both or one or the other; you could switch; if you had more time you could go longer... We met outside all four seasons..."

He also said that, "during the peaceful time," as he called the time before the

¹⁵⁵ Based on Human Rights Watch telephone interviews with Zhang Kunlun, January 23, 25, 29, 30, 2001.

¹⁵⁶ Mr. Zhang was not certain whether the detention actually took place on June 30 or July 1.

10,000-person April 25, 1999 protest in Beijing, he was not an activist: he did no Falungong organizing, no recruitment of practitioners, or anything else that might draw the attention of the police. Nor did he take part in the April 25 Beijing protest or in major protests in Tianjin several days earlier.

Zhang told Human Rights Watch that "After April 25, soon after that, there was interference at practice sites." He gave several examples, water on site surfaces, or dust and dirt deliberately spread on them, or motor bikes coming close and revving their engines. "It was," he said, "annoying and disturbing and got worse. It was not done directly by the authorities but encouraged by them." But Zhang then acknowledged that he had had no personal experience with these kinds of "annoyances." He had, he said, heard it happened in other places, especially in the suburbs and the countryside with some minor disturbances in Jinan itself.

Zhang sounded as if he proceeded cautiously when the crackdown first started. In response to a question about whether his own practice had changed after the July 22, 1999 ban, he said that "around July, [before the ban] he was very busy with his research work, so hadn't been outside much at all." After the official ban, he occasionally went outside to practice, and "even privately only did the exercises irregularly." Some practitioners did go outside regularly until arrests became "severe." He cited work pressures to explain his reduced practice.

Asked whether he had done anything special that might have drawn police attention to him, Zhang told Human Rights Watch that one time, "when the weather was still hot," (suggesting that it was within a few months after the ban went into effect) he "happened to visit a practitioner's home" and was asked to sign a letter to the Shandong Party Secretary, "requesting him to see for himself that Falungong was good." Some twenty people signed on. Zhang said they particularly wanted him to sign as he was "well-known and respected in the province." He did not know the other signatories. Zhang also acknowledged a visit to his house from a student of his accompanied by a woman from another province. They came to rally support for a presentation to President Jiang Zemin when he visited Shandong. The display was to consist of materials downloaded from a Falungong site. Zhang wasn't home at the time of the visit and his wife left the house briefly to go to the market while the guests were still there. The police later said the visitors had made phone calls from the Zhang's home.

On July 22, 1999, the date the Falungong ban became official, Zhang and another person started for Shandong's provincial headquarters, but were stopped en route by two policemen who, without asking any questions, ordered them to "get on a bus." Basically the police said, "Okay, you want to practice, I'll take you to a place to practice." There was no violence; Zhang and his companion did not resist. They were driven to a schoolyard. Zhang estimates some 2,000 people were there. "The police expected us." The practitioners had to leave their names and addresses; then branch police stations were called to escort them to their home districts.

Zhang said he had no sense that he was being watched, but some months before his first detention and several times while he was in custody, an official from the city's security bureau came to his house for a "casual visit." During the first visit, Zhang and his wife talked to the official "sincerely" about their feelings for Falungong, and they related stories they had heard at "sharing conferences," such as how people had been cured through practice or how judges and police became such good workers after they took up Falungong that they were officially commended. Zhang told Human Rights Watch that he didn't take the visits very seriously.

The first detention came some time after dark on June 30, 2000 (Zhang said it might already have been July 1, he wasn't sure) in connection with flyers he had been distributing about a Falungong radio program made by overseas practitioners and scheduled for broadcast in China on July 1. He had put some hundred flyers in bicycle baskets and handed a few to a man whom the police later questioned. That night, after two uniformed officers searched Zhang's house and confiscated Falungong materials, they took him to the local police station.

Zhang described his treatment. Police officers, he said, were "waiting" for him. Several knocked him to the ground and forced him to listen to a speech by the station chief about Jiang Zemin's characterization of Falungong as an "evil cult." The director went on to say that the police could do what they wanted to cult members. "If you die, we will bury you and tell everyone you committed suicide because you were afraid of a criminal charge." The officers then shocked Zhang with electric batons, threatening that if he screamed they would use them in his mouth. He was beaten on the face; the kicks to his leg took three months to heal. Zhang said he "lost his mind"; he had no idea how long the whole episode lasted, "twenty minutes, a half-hour, longer."

Two days after the beating, the chief escorted Zhang to his office. The electric baton was in its charger, but this time the police chief asked him to sit, and then tried to persuade him to tell the origin of the flyers. A higher-level officer, who replaced the chief, counseled Zhang that it was no use denying he knew nothing; he might as well cooperate. When the chief returned, the long interrogation that followed alternated between persuasion and fierce anger. Zhang reported his reply: "I have never seen policemen use this kind of method. I never believed it when I heard about it before. Now I believe it. It won't work. I'm ready to die. Communist police shouldn't do this." Later, Zhang was told that the chief was ill, and that if he, Zhang, did not tell him what he needed to know, the chief would not be able to finish his work. Zhang was told, "be sympathetic and compassionate." So, he said, he told the chief what he knew without incriminating anyone.

Around midnight, Zhang was escorted to a small room housing five other practitioners held for offenses similar to his, copying out information and sharing it with others. A few had downloaded information from the Internet, including Li

Hongzhi's articles, and distributed them. All those in the room, including Zhang, were taken out for questioning. Zhang said he was interrogated maybe four more times by three different people. The questions were always the same. Zhang said personally he experienced hardly any more violence, just mood changes on the part of his interrogators. At least once he was hit on the face with a thick book. One of the people in the room, the man to whom Zhang had given a few flyers, said interrogators used electric batons on him on three separate occasions. Zhang was released without explanation on August 3.

The second detention came a few days later and lasted thirty-three hours. Three practitioners had called to say they were coming to see him, a call which probably had been monitored because two police officers arrived on the visitors' heels. Zhang held off the officers, while the visitors escaped through a back door. The officers then called the local police station and determined that Zhang was to report there the following morning, which he did.

Zhang was detained a third time in October 2000. On October 26, the security head at the university called Zhang to say he was needed at the school. Once there, he was told that he could not leave and that someone would be talking with him about Falungong. The following day, Zhang was driven first to the local police station and from there to a school in a small town some forty-five minutes distant for mandatory Falungong "conversion education." The university was forced to pay 10,000 *renminbi* (approximately U.S.\$1,250) for what was scheduled to be a three-month session; he was expected to reimburse the university half the money. "I knew my working place would be annoyed because I don't give up. And my family would feel the same because of the money." If officials determined Zhang was not sufficiently reeducated at the end of the three-month period, in part determined by a written recantation, he would be forced to undergo a second session. Some forty people were "enrolled"; the official plan was to double that number. Police and officers of the People's Armed Police (an armed paramilitary police force with responsibility for controlling social unrest), residence committee and court workers, and even family members helped staff the facility.

On the third day of his stay, Zhang joined other "enrollees" already on a hunger strike. He told Human Rights Watch that one of the program's directors told them angrily, "We're not afraid if you don't eat. We can send you to a mental hospital; we can feed you with liquid food and give you shots." For Zhang, the strike lasted six days, after which he was released. He does not know why, but he did say he was treated better than others in the detention center and thought it was because of how much attention his case had attracted.

On November 13, a local policewoman called Zhang to say she was coming to see him. When she arrived accompanied by the policeman who had detained Zhang back in June, he said he "didn't feel very good." His premonition was accurate; he was ordered to take some clothes and accompany them immediately

to the police station. Both officers ignored his and his wife's pleas that he was not fully recovered from his hunger strike. Upon arrival at the station, the policeman told Zhang he was headed for Jinan's labor camp. However, he was refused admission to that camp's first division because he lacked the requisite medical approval from a facility outside the camp. The following day, Zhang was sent instead to the camp's second division where a prison doctor checked his physical condition. When, in reply to the doctor's query, Zhang admitted he still practiced Falungong, the doctor, not unkindly, advised him that if he did not stop "you will probably leave your body here."

Some thirty practitioners were housed at the camp; Zhang was assigned to a cell with three others and four monitors. Practicing, reading, and teaching Falungong were strictly prohibited. In spite of the book of rules given to each new prisoner, an old-timer let the new arrivals know that the "camp did not work without violence."

As Zhang described it to Human Rights Watch, the routine the first few days was simple: wake-up at 6:30; 10-15 minute run in the yard; clean cell, hall, washroom; eat breakfast; sit on low stools in one position, no moving or talking except for bathroom and meal breaks. Several days later, an officer announced that since they had not practiced Falungong while at the camp, and if they would promise not to in the future, they could move to the other end of the building where they would have a little more freedom. Their new quarters housed ten inmates; the prison monitors sometimes left them alone; they could talk. It was here that Zhang heard about prison discipline. The day before, he was told, a prisoner had been badly beaten for doing Falungong exercises. Sympathetic practitioners who began a hunger strike were also beaten. Zhang saw the scars.

Prisoners did no work because the facility had no production contract at the time.¹⁵⁷ Much of the inmates' time was taken up with compulsory viewing of television programs denigrating Falungong or with mandatory attendance at what Zhang described as defamatory lectures. Every Friday each practitioner had to write a review of what he had learned. Zhang and four others wrote how good Falungong was and included appeals for review of their cases. All five were returned to the less desirable end of the building.

Zhang said he hadn't thought about the consequences. He "had to say the truth to get the Chinese government to realize they were wrong to treat Falungong people this way. Not just for himself, but for the whole movement."

Within two weeks, Zhang was moved to Wangcun Labor Camp. The camp

¹⁵⁷ Prisons and labor camps specialize in a variety of productive enterprises for which inmates supply the labor. According to Zhang, at the time he was in Jinan labor camp, its second division had satisfied its contract demands.

had a bad reputation and Zhang said “he was afraid he would die there.” Much to his surprise, it was the antithesis of what he expected. He received a very friendly and kind welcome from the director and other staff. The food was good. Only after his release did Zhang realize the move and his treatment at Wangcun were in response to Canadian government efforts on his behalf.

At Wangcun, Zhang was subjected to 24-hour monitoring and prevented from speaking with any other inmates, though staff insisted he watch others play chess. Instead of the staff trying to convince him to give up Falungong, the director sent individuals purporting to be former Falungong practitioners to try to persuade him. Zhang said they talked very systematically, but they “confused” him and, he acknowledged, he became agitated. He said they told him that the good people have learned what there is to learn, the rest don't deserve Falungong, therefore Falungong must be destroyed. He began to believe they were right and he had misunderstood Falungong teachings. Prison staff encouraged Zhang to write down his new perceptions and to continue to write more and more “in the correct direction.”

Zhang said that sometimes, one police officer, sometimes a few officers together, sometimes the director, would ask, “aren't we treating you nicely.” When he acknowledged that they were, they asked him to “write it down.” When he did, they asked him to write more, then suggested he had not said it the right way and recommended different language. Zhang complied, he said, because he thought they wanted the praise on record to bolster their end-of-year bonuses.

Two days before Zhang's release, the vice-Party secretary talked with him and asked—in fact, insisted—he do a painting. The following day, Zhang was escorted to the city hospital for a thorough health check. But he was not aware of his imminent release until just before he was let go. Personnel from both labor camps with gifts in hand were there for the occasion. Zhang's painting was displayed as his reciprocal gift. A car and driver from his university took him home. The only conditions for his release were that he “stay home,” study communist works, do his job, and be law-abiding. In less than a week, Zhang was back in Canada.

Only after his release did Zhang realize what had been happening to him. Once back in Canada, he rescinded his confession and wrote to both camps to renounce what he had put in writing while in custody. (Appendix I.)

A month after Zhang's return to Canada, Zhang Shumei, still in China, eluded surveillance, avoided detention, and escaped back to Canada. The family was reunited on February 15.¹⁵⁸ Zhang continues to be an effective spokesman for

¹⁵⁸ For details see, Colin Freeze, “Falun gong follower's flight aided: Canadian embassy helped Ottawa woman return home to her husband and daughter,” *Globe and Mail*, February 17, 2001.

Falungong much to the chagrin of Chinese officials committed to discrediting him.

Analysis

Zhang Kunlun's case is an example of the abuses suffered by Falungong practitioners assigned to the middle category of the three into which the government divides followers: ordinary practitioners, so-called leading members, and "backbone elements."¹⁵⁹ It illustrates how Chinese officials ordered a change in tactics when they realized the timetable for destroying Falungong had to be extended in the face of its practitioners' tenacity and the group's ability to generate ad hoc local leaders determined to prove the organization's worth and expand its membership. Zhang's successive arrests and releases demonstrate how local authorities responded to the increasingly severe instructions from Beijing and reveal something of the tensions created by differing local and central concerns. Zhang's situation also exemplifies the complications for China in dealing with an active practitioner with international connections. His first-hand account adds to our knowledge of the inherently arbitrary sentencing practices and the coercive psychological practices associated with the non-judicial reeducation through labor system.

Chinese authorities decreed that Falungong followers would receive punishment dependent on the category of offender to which they were assigned, the severity of the government's response increasing with the offender's importance to the organization. The system is much the same as the one used against religious offenders who refuse to practice within the limits set by the state. The objective, in addition to punishment, has been to separate those identified as core leaders from their followers so as to make it easier to reintegrate rank-and-file practitioners and, where possible, "leading members" into Chinese society as conceived by the state. To accomplish that end, the government ordered that ordinary practitioners willing to give up their Falungong beliefs were to be treated as victims. Leading members who repented and provided intelligence would also be treated leniently. The criteria for determining who fit in which category appear to have been flexible.

Zhang fits the leading member category for several reasons. He was a recidivist, i.e. someone who refused to give up commitment to Falungong beliefs even after short-term detentions and warnings. In fact, his dedication seems to have hardened with time and persecution. In addition, authorities seem to have perceived him as a person of some stature and influence in his scholastic community, one who could effectively rally others to the Falungong cause through his personal commitment and whose defection, if it could be arranged, might bring others in its wake. But it does not appear as if he were a core organizer.

¹⁵⁹ "Beijing Government Vows Punishment for Sect Leaders," Associated Press News Service, August 25, 1999.

Chinese officials made it clear that although Zhang was a Canadian citizen, because he held dual citizenship and had traveled to China on a Chinese passport, he had no rights to Canadian consular access as requested.¹⁶⁰ The Chinese government's messages seemed clear: practitioners from abroad would not escape prosecution if they defied the ban on Falungong activities; and foreign governments would have difficulty intervening in such cases.

The Canadian government, nevertheless, continued to press hard, perhaps concluding that the Chinese leadership would not want to jeopardize Canada's trade mission and would have to do more than grant consular access to Zhang.¹⁶¹ In freeing Zhang, Chinese authorities used the domestic media to make clear they were doing so solely on their own initiative because he had come to a "correct understanding of the nature of Falun Gong" and had helped other followers to "understand the nature of the cult."¹⁶² A nationally televised television program showed Zhang, flanked by guards, praising the staff at his re-education camp. "In this place," he said, the staff use "care, patience and sincerity, and the principles of education, persuasion and rescue."¹⁶³

Zhang's recantation, thus, gave Chinese officials an opportunity to showcase China's "concern" for ordinary Falungong practitioners misled by their own leaders and to illustrate the effectiveness of reeducation through labor, a non-judicial sentencing procedure, which the United Nations High Commissioner for Human Rights and interested human rights organizations have pressed the Chinese

¹⁶⁰ "Canada seeks access to jailed Falun Gong follower in China," Deutsche-Pressre Agentur, December 1, 2000; "Canadian Falun Gong follower is imprisoned in China," Associated Press, December 2, 2001.

¹⁶¹ "China releases Canadian Falun Gong follower," Associated Press Newswires, January 10, 2001; Paul Adams, "China releases interned Canadians Falun gong follower tortured, kin say," *The Globe and Mail*, January 11, 2001; "Falungong practitioner arrives in Canada," Agence France-Presse, January 16, 2001; "Ontario: Falun Gong member is home," *National Post*, January 16, 2001; "Chinese rights abuse more than 'disturbing,'" *Toronto Star*, February 14, 2001.

¹⁶² "Chinese TV reports early release of naturalized Canadian Falun Gong member," BBC Monitoring, January 13, 2001, from China Central TV, January 13, 2001. See also "Former Falun Gong follower denounces group - China's Xinhua news agency," BBC Monitoring, January 18, 2001; "Rehabilitated Chinese Falungong Member Call to Abide by Chinese Laws," World News Connection, January 18, 2001; Paul Adams, "Canadian outcry helped Zhang avoid torture Falun Gong follower says Chinese jailers treated him better than other prisoners," *The Globe and Mail*, January 18, 2001.

¹⁶³ "China shows Canadian-Chinese Falungong member praising his jail staff," Agence France-Presse, January 13, 2001.

government to abolish. The foreign media attention to Zhang's case offered an opportunity for worldwide attention to what at least appeared to be a genuine recantation.

Once home, Zhang told the rest of his story: how harshly he and others were treated in detention centers and reeducation camps;¹⁶⁴ and how private Falungong practice (ostensibly allowed by the authorities) and limited dissemination of Falungong literature could lead to very serious trouble, particularly for someone relatively well-known, such as Zhang, who Chinese authorities might view as influential within his community.

Zhang ultimately recanted his recantation.¹⁶⁵

¹⁶⁴ "Freed Chinese-Canadian Falungong member recounts Chinese camp torture," Agence France-Presse, January 18, 2001; "Falun Gong follower recounts incidents of torture in Chinese prison," The Canadian Press, January 18, 2001.

¹⁶⁵ For details see, "Former Falun Gong follower denounces group - China's Xinhua News Agency," BBC Monitoring, January 18, 2001; "AFP: China Shows Canadian-Chinese Falungong Member Praising Jail Staff," World News Connection, January 13, 2001; "Rehabilitated Chinese Falungong Member Call to Abide By Chinese Laws," World News Connection, January 18, 2001.

V. FALUNGONG IN CUSTODY: COMPETING ACCOUNTS

This chapter examines the available information about Falungong practitioners detained in prisons, reeducation through labor camps, psychiatric institutions, and other incarceration facilities. It looks at the demographic characteristics of those being held; the charges, if any, against them; and the kinds of rights violations they have suffered in custody. The analysis is necessarily provisional and far from complete. China does not allow independent monitors into prisons and reeducation camps and has made it too dangerous for family members, friends, or workmates to speak with journalists or other outsiders except under strictly controlled conditions.

Almost all the information available to Human Rights Watch comes from either official Chinese government or Falungong sources, both of which obviously have a stake in releasing data that supports their respective claims. Chinese government information is designed to show the numbers of people whose lives have been destroyed by Falungong practice; Falungong seeks to demonstrate the extent of government repression. There is no sure way of checking the information from either source, making it impossible to fully assess competing claims about the numbers of judicial sentences, reeducation through labor terms, deaths in custody, and so on.

Despite this fundamental limitation and the need for extreme caution, certain tentative conclusions can be drawn. Examination of the available data yields details about who gets detained, in what kinds of facilities, what kinds of charges are brought against them, how they are treated in custody, and who the Chinese government chooses to punish most harshly. The number of practitioners sentenced judicially is small and appears to be limited to Falungong's core leaders and large-scale publishers and distributors; the overwhelming majority have been sentenced to reeducation through labor terms, a form of administrative punishment that allows for no judicial input. A marked discrepancy exists between Falungong and Chinese explanations for deaths in custody and accounts of treatment of inmates in prisons, labor camps, and other facilities, but there is substantial evidence that torture and other abuses are common in at least some of the facilities.

Judicial Prosecutions

As indicated above, only a small proportion of Falungong members in custody are prosecuted through the judicial system. Although Chinese government public relations materials have repeatedly alleged that Falungong leaders won converts through fraud, disturbed social order through public protest and rumor mongering, and compromised the health of the nation by campaigning against medical treatment, there is little evidence that more than a handful of Falungong adherents were tried on the basis of such charges. Instead, until mid-2001, the focus of formal

judicial prosecutions appears to have been concentrated on two groups, key Falungong organizers tried for organizing and using a cult organization to disrupt the law, organizing illegal assemblies, disseminating superstitious fallacies, and leaking state secrets; and followers involved in large-scale printing, publication, and distribution of Falungong materials for use within China and in publicizing abuses to an overseas audience. As such, the prosecutions, resulting in sentences ranging between three to eighteen years, directly violated Falungong members' basic rights to freedom of expression, belief, and association.

By August 2001, after Falungong had moved away from such activities under intense government pressure, heavy prison sentences, in the worst case up to thirteen years, were imposed on those charged with organizing the printing of leaflets and banners, using the Internet to circulate Falungong materials, or arranging meetings of practitioners. One alleged practitioner received a life sentence for his alleged part in organizing the self-immolation incident in January 2001.¹⁶⁶

As of August 20, 2001, the Chinese government officially reported over 350 judicial prosecutions.¹⁶⁷ Only some of the names have been made public. As of April 27, 2001, Falungong sources listed 193 named prisoners and reported that another sixty-six were serving sentences but did not identify them.¹⁶⁸ No figures for those whose cases are awaiting adjudication are available from either government or Falungong sources.

In January 2001, eighteen months after the original ban on Falungong and a reaffirmation of the ban on Falungong materials, the Xinhua news agency featured an exposé of publishing violations, citing 3,000 cases of unlawful printing and

¹⁶⁶ Erik Eckholm, "4 Are Jailed for Falun Gong's Public Suicides," *New York Times*, August 18, 2001.

¹⁶⁷ "Chinese official says 242 Falun Gong members prosecuted," BBC Monitoring, January 29, 2001, from Xinhua, January 15, 2001; "Shandong Court Jails Two for Publicizing Falungong," FBIS, February 13, 2001, from Xinhua, February 9, 2001; "China Jails 37 Who Spread Falun Gong Fliers," Reuters, March 2, 2001; "China jails 13 more Falun Gong activists," Reuters, March 13, 2001; "China jails 45 Falun Gong organizers," *South China Morning Post*, Reuters, August 20, 2001; "Five jailed for organising Falun Gong meetings," Associated Press, August 20, 2001; "Beijing Legal Times Reports Six Falungongers Sentenced to Up to Six Years," FBIS, August 10, 2001, from Agence France-Presse, August 9, 2001.

¹⁶⁸ These statistics were compiled from two Falungong documents: "An incomplete list of Falun Gong practitioners sentenced to prison," January 26, 2001, and an update on April 27, 2001. As of May 2, 2001, both could be accessed on <http://hrreports.faluninfo.net/book4/CategoryIndex.htm>.

distribution uncovered by public security organs.¹⁶⁹ Although the report included only a few examples, official sources publicly acknowledged others. A few examples follow to illustrate the kinds of cases that end up being prosecuted.

- C August 19, 2001; a court in Beijing sentenced Zhang Xiongwei to thirteen years in prison in part for banding with others to print 98,000 leaflets and make 2,800 banners.¹⁷⁰
- C March 1, 2001: the Beijing No.1 Intermediate People's Court sentenced Xue Hairong to a seven-year term for downloading information off a Falungong web site, turning it into pamphlets, and organizing their distribution.¹⁷¹ He was in detention when he died of leukemia on March 22, 2001.¹⁷²
- C December 5, 2000: Beijing No.1 Intermediate Court sentenced Peng You, Mu Chunyan, Chen Suping, and Zhang Lixin to terms ranging up to eight years for "illegally printing publicity about the Falun Gong cult." They allegedly printed and distributed several hundred thousand fliers and 200 compact disks.¹⁷³
- C June 14, 2000: a court in Shijiazhuang, Hebei province, secretly tried Gu Linna, one of the principal organizers of a clandestine press conference held with foreign journalists in October 1999. She was sentenced to a four-year prison term presumably the same day as she was tried. Until April 23, 1999, when Gu aired a program favorable to Falungong, she was a reporter as well as director of a program on the economy for the Shijiazhuang People's Radio Station.¹⁷⁴

¹⁶⁹ "'Falungong' Illegal Publicity Materials Violate Law and Social Ethics," Xinhua, January 21, 2001, in "PRC Crackdown on Falungong Spreading Illegal 'Publicity Materials' Viewed," FBIS, January 24, 2001.

¹⁷⁰ "Five jailed...", Associated Press.

¹⁷¹ Vivien Pik-kwan Chan, "37 jailed in latest anti-Falun Gong drive," *South China Morning Post*, March 3, 2001.

¹⁷² "CHINA: Falun Gong follower dies in custody in China," Reuters, November 9, 2001.

¹⁷³ "Beijing court rejects appeal of case on distributing Falun Gong material," BBC Monitoring, December 28, 2000, from Xinhua.

¹⁷⁴ For Gu's defense statement, see http://www.clearwisdom.net/eng/2000/Aug/10/P008100_1.html.

- C January 26, 2000: Dongcheng District Court in Beijing sentenced two sisters, Li Xiaobing and Li Xiaomei, to six- and seven-year terms respectively for running an illegal business, the major location in Beijing for buying Falungong books, tapes, and related materials. Authorities claimed 1.8 million books had been sold from the shop.¹⁷⁵
- C January 6, 2000: Wuhan Intermediate People's Court sentenced a husband and wife team, Wang Hansheng and Xu Xianglan, to six-and eight-year prison terms in part for publishing, printing, copying, and selling some four million books, over a million pictures, and over half a million audio-video products.¹⁷⁶

Reeducation through Labor; Transformation Centers

Chinese government persecution has not been limited to key organizers, big-time publishers, major distributors, or small-scale proselytizers. It has been directed against scores of low profile practitioners—rank and file followers—willing to publicly defend Falungong. Penalties for this latter group have typically been lighter, but its members have been subjected to grave mental and physical abuse including torture and mistreatment. At the start of the crackdown, most detained protesters were held for only a few days of “reeducation,” in part because the government appears to have misjudged the depth of commitment, in part because there were insufficient permanent facilities for long-term incarceration of tens of thousands of practitioners. As it became evident that dismantling Falungong could not be accomplished quickly, and as demonstrations became daily occurrences, officials apparently grew impatient with briefly detained practitioners who, as soon as they were released, rejoined public protests in Tiananmen Square. In October 2000, China's policy changed. Instead of the Public Security Bureau rounding up protestors and escorting them home or detaining them for a few days or weeks, “relevant Beijing departments...decided to practice a ‘close style management’ on stubborn Falungong members.”¹⁷⁷ In the hope of facilitating the permanent “transformation” of identified “recidivists,” such individuals were to be immediately sentenced administratively to reeducation through labor, in some cases

¹⁷⁵ Renee Schoof, “32 Falun Gong members get prison in secret trials,” Associated Press Newswires, February 1, 2000.

¹⁷⁶ “Sentenced Falun Gong members ‘displayed repentance,’” BBC Worldwide Monitoring, January 7, 2000, from Xinhua, January 6, 2000.

¹⁷⁷ “HK Paper: Beijing Decides to Send Falungong Members to Labor Reform Camps,” FBIS, October 16, 2000, from Hong Kong *Ming Bao* (Internet Version-WWW), October 12, 2000.

for as long as three years.¹⁷⁸

According to some estimates, since the start of the crackdown as many as 10,000 followers may have been sentenced administratively to reeducation terms. The government has released few numbers, much less names, although a May 2001 story in the official press depicting the rehabilitation process at the Masanjia Reeducation Through Labor Institute in Shenyang, Liaoning province, provided one clue. It put the total number of women Falungong practitioners housed there at about 1,000, 90 percent of whom had been "successfully reeducated." Three hundred of the women had completed their terms; another 300 had had their terms reduced or were permitted to complete them outside the camp.¹⁷⁹ A second account reported that, in June 2001, the Tuanhe Reeducation Through Labor Camp on the outskirts of Beijing had 340 Falungong practitioners in custody and had released another eighty.¹⁸⁰

Three-year terms can be imposed judicially or administratively, and both methods have been used in Falungong cases. It is unclear what dictates the decision in any given case, but an official Chinese source noted that no one is sent for reeducation simply because of Falungong practice, but rather for the "slight" crime of breaking the law and disturbing public order. His comment suggests that judicial sentences were reserved for those who actively organized protests or the dissemination of Falungong publications.¹⁸¹ As noted, available case information is consistent with this interpretation.

Falungong's own list of those administratively sentenced is dependent on

¹⁷⁸ Hong Kong *Ming Bao*, "HK Paper: Beijing Decides...", FBIS, Oct. 12, 2000. It is unclear if the directive applies to those who are first-time offenders. In addition, there is evidence that in some places the practice persists of holding active proselytizers briefly, then handing them over to their work units for supervision.

¹⁷⁹ "Falun Gong Practitioners' Life at Re-education Institute," *People's Daily Online*, <http://english.peopledaily.com.cn/200102/18/print/20010218-62663.html>, February 18, 2001. In May 2001, foreign journalists were invited to tour the camp. See "Falun Gong Re-education Camp Exposed to Foreign Media," *People's Daily Online*, http://english.peopledaily.com.cn/20010524/eng20010524_70866.html, May 24, 2001.

¹⁸⁰ "Re-education Camp: Cult Addicts Transformed Heart and Soul," *People's Daily Online*, http://english.peopledaily.com.cn/200106.12/eng20010612_72452.html, June 12, 2001.

¹⁸¹ "Torture and Ill-treatment of Prisoners Prohibited in China," Xinhua, February 19, 2001; "Chinese Official Discusses Handling of Falungong Cult," FBIS, February 28, 2001, from Xinhua, February 27, 2001.

leaked information, and is often missing crucial data, such as dates of detention, length of terms, and home towns, making corroboration difficult.¹⁸²

In addition to prisons and reeducation camps, reports indicate that provincial authorities have set up a system of extra-judicial “transformation” points or centers “to actively carry out work to educate and transform the minds of Falungong practitioners.”¹⁸³ Early official reports presented the process as benign, but reports of meetings after the immolation event in January 2001 and the February 2001 Central Work Conference indicated a much harder line. At a meeting in Jiangsu province in June, the Party deputy secretary called on “all local authorities and departments” to create the “necessary mechanisms” for furthering the work, including “teams of education assistants and workers,” leading cadres, and people from all walks of life.¹⁸⁴ He informed those present that half the Falungong “diehards” and “zealots” had to be transformed by the end of the year, and 80 percent must remain transformed. Although no mention was made of transformation methods, Falungong and journalist accounts indicate that the mental and physical abuse could be extraordinarily severe.¹⁸⁵

Death in Custody, Torture and Other Ill-treatment

There is evidence of a range of serious abuses against Falungong members in custody, including beatings, electric shock and other forms of torture, forced feeding and administration of psychotropic drugs, and extreme psychological pressure to recant. Analysis of Falungong and government reports provides some insights about treatment in custody and about who is likely to suffer the worst abuses. However, as indicated above, it is difficult to verify practitioner accounts

¹⁸² The list can be accessed through www.clearwisdom.net. (Click first on “Human Rights Violation Reports,” then on “Reports and Name List Compiled After August 2000,” and finally on “Labor Camp Cases.”)

¹⁸³ “Shanxi reports on re-educating Falun Gong members,” BBC Worldwide Monitoring, March 5, 2000, from Xinhua, February 25, 2000; Charles Hutzler, “Beijing is Breaking Down Spiritual Group ---Newly Aggressive Assault on Falun Gong Follows Immolations in January,” *Wall Street Journal*, April 26, 1001; John Leicester and Charles Hutzler, “Members of sect sent to camps,” Associated Press, January 16, 2001.

¹⁸⁴ “Provincial On-the-Spot Conference on Educating and Transforming ‘Falungong’ Followers Stresses Need To Tighten Measures for Addressing the ‘Falungong’ Issue Radically,” *Nanjing Xinhua Ribao*, June 9, 2001, in “Jiangsu Deputy Secretary Speaks on Educating, Transforming Falungong ‘Diehards,’ ‘Zealots,’” FBIS, June 22, 2001.

¹⁸⁵ John Pomfret and Philip Pan, “Torture Is Breaking Falun Gong, China Systematically Eradicating Group,” *Washington Post*, August 5, 2001.

or the occasional official report.

As of June 27, 2001, Falungong claimed that some 234 practitioners had died suspicious deaths in custody or immediately following release, and that countless others were victims of torture and mistreatment.¹⁸⁶ Chinese public security officers either had “no comment” or offered alternate explanations for the deaths, such as “died of a heart attack.”

The first of the deaths reported by Falungong dates from July 1999, four days after the organization was banned.¹⁸⁷ The cases divide almost evenly by sex and are concentrated by region. Over 50 percent of the practitioners whose residence was noted lived in Shandong or the three northeastern provinces of Heilongjiang, Jilin, and Liaoning. Falungong began in the northeast and had its greatest following there.

The same four provinces accounted for place of death in over 40 percent of the cases that listed where death occurred. Although only seven practitioners on the list were Beijing residents, eighty were arrested there and twenty-seven, more than 10 percent, died there. Falungong centered its protests in Tiananmen Square, and that is where many Falungong followers who had traveled to Beijing from their home provinces had their initial encounters with public security officials. Most were immediately delivered into the custody of provincial governments stationed in Beijing. Of the thirty-six who were transported back to their home provinces, ten died en route.

The available data yields two other observations. The first is the discrepancy between official and Falungong explanations for the deaths. Chinese government sources say very little about the deaths. According to Falungong, Chinese authorities had explanations for only seventy-two cases, over one-third of which the government attributed to suicide. Medical problems, including heart attack, pneumonia, and “blood poisoning,” accounted for another thirty cases; six people allegedly died from hunger strikes; three were said to have jumped out of buildings and two from moving vehicles; three allegedly fell to their deaths, and one was reported to have died in a car accident. One death is listed only as “natural.” The Falungong review lists only one case in which authorities appear to acknowledge foul play—a local hospital autopsy report lists the cause of one death as “beating with blunt objects.”¹⁸⁸

Falungong sources identify the cause of death in more than three times as many cases. Mistreatment is said to have accounted for 103 deaths, over 55 percent of the total; force-feeding for another twenty; and hunger strikes for sixteen. Two

¹⁸⁶ “A List of Falun Gong Practitioners Who Have Died as a Result of the Crackdown,” http://www.clearwisdom.net/emh/special_column/death_list.html.

¹⁸⁷ *Ibid.*
¹⁸⁸ “Ms. Zhao Jinhua of Shandong Province was Tortured to Death for Practicing Falun Gong,” http://www.clearwisdom.ca/eng/china/zhao_jinhua.html.

people reportedly died from psychotropic drugs administered in psychiatric facilities; two others are said to have been poisoned; five reportedly died from illness, and seven deaths are attributed to suicide. Almost half the deaths reportedly occurred in police stations or detention centers, a pattern consistent with a pre-sentencing policy of eliciting “voluntary confessions” from detainees.

A second important observation concerns the time interval between date of detention and date of death. Falungong sources list dates of detention and at least the months in which deaths occurred for 156 cases. Taking the most conservative reading, seventy-nine people, over half the total, died within two weeks of detention, forty-four of those within days. Another thirty-two died within two months; the remaining forty-five lived longer than two months.

As noted, reports of Falungong deaths in detention are reported on the Falungong web site; however, precise sources are rarely made known. Because of the danger of exposure to family, friends, or fellow inmates who disseminate information, the stories are usually attributed to “Practitioners from Mainland China.” Journalists and humanitarian organizations have very rarely had access to sources other than official or Falungong sources. In one such case, Zhang Xueling, who told a foreign journalist that her mother, Chen Zixiu, had died of a police beating, was sentenced to a three-year reeducation through labor term. Ms. Zhang had been trying to obtain her mother’s death certificate to help prove that she died as a result of police abuse and not, as officials would have it, of a heart attack.¹⁸⁹ Ms. Chen died in February 2000; Ms. Zhang was not sentenced until April 24, 2001, less than a week after the journalist involved won a prestigious award for his reporting on her odyssey.¹⁹⁰

The Chinese government appears to bear responsibility for these deaths. Practitioners should never have been detained for activities such as peacefully assembling to protest the ban on Falungong, continuing to publicly practice Falungong exercises, and arranging to distribute Falungong literature. They should not have been compelled to renounce their beliefs as a condition of release from police lockups, detention centers, or reeducation camps. In many cases, their

¹⁸⁹ Ian Johnson, “China’s Bureaucracy Stymies a Daughter in Search of Justice -- Mrs. Zhang Tried to Prove Police Killed Her Mother -- A Great Wall of Silence,” *Asian Wall Street Journal*, October 3, 2000; Ian Johnson, “China Tells U.N. No Wrong in Death of Falun Gong Member,” *Wall Street Journal*, May 8, 2000; Ian Johnson, “Ms. Chen Believed Falun Gong a Right -- To Her Last Day -- Cellmates Recall Her Screams Before She Died in Jail -- ‘No Measures Too Excessive,’” *Asian Wall Street Journal*, April 24, 2000.

¹⁹⁰ “Sect member who questioned death of mother sentenced,” *Deutsche-Pressen Agentur*, May 10, 2001.

refusals to capitulate during interrogations appear to have led directly to their deaths.

Falungong sources have also reported widespread torture in prisons and camps. In response, Chinese authorities have simply reiterated old themes. The director of Prison Administration, for example, said only that torture is prohibited by law, and that offices and special mailboxes to “deal with illegal practices” are available in all prisons.¹⁹¹ As for reeducation through labor camp abuse, the head of China's anti-cult office repeated what an official newspaper said in 1997 when it called for strengthening the system, that reeducation is akin to the way parents treat their children, doctors their patients, and teachers their students.¹⁹² For Falungong people, the aim is to “educate, reform, and rescue [them from] being misled...”¹⁹³ As detailed above, Canadian citizen Zhang Kunlun would vehemently disagree with this characterization. Both Zhang's case and other published accounts suggest that physical violence as well as psychological coercion are common in the camps and that the situation has worsened over time.¹⁹⁴

Information on two cases comes from a Chinese government response to inquiries made by the U.N. Special Rapporteur on Torture in November 1999.¹⁹⁵ According to Chinese officials, Zhao Jinhua died after refusing to go to the hospital

¹⁹¹ “Torture and Ill-treatment of Prisoners...,” Xinhua, February 19, 2001.

¹⁹² John Leicester, “China likens crackdown on Falun Gong to war on drugs, assails Washington,” Associated Press Newswires, February 27, 2001; “Work of Reeducation Through Labor Is To Be Strengthened, Not Weakened,” *Legal Daily (Fazhi Ribao)*, September 30, 1997, in “Vice Justice Minister Interviewed on ‘Reeducation Through Labor,’” FBIS, October 1, 1997.

¹⁹³ “Responsible Official of the State Council Office for the Prevention and Handling of Evil Cults Answers Reporters’ Questions,” Xinhua, February 27, 2001, in “PRC’s State Council Office for Handling ‘Evil Cults’ Holds News Conference,” FBIS, March 1, 2001; “Falun Gong Practitioners’ Life at Re-education Institute,” *People’s Daily Online*, <http://english.peopledaily.com.cn/200102/18/print/20010218-62663.html>, February 18, 2001.

¹⁹⁴ Paul Adams, “Canadian outcry helped Zhang avoid torture Falun Gong follower says Chinese jailers treated him better than other prisoners,” *The Globe and Mail*, January 18, 2001; John Pomfret and Philip Pan, “Torture Is Breaking Falun Gong, China Systematically Eradicating Group,” *Washington Post*, August 5, 2001.

¹⁹⁵ “Civil and Political Rights Including Questions of Torture and Detention: Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights Resolution 1999/32,” United Nations, Economic and Social Council, E/CN.4.2000/9, 2 February 2000, paragraph 219.

for treatment of her heart disease, rather than from police beatings as alleged.¹⁹⁶ In a second, case, that of Yu Hanxin, officials denied allegations of torture during interrogation.¹⁹⁷ Of the four other named cases submitted, the Chinese government either made no response or indicated that the practitioner could not be located.¹⁹⁸

Psychiatric Incarceration

Assessing how many Falungong members have been taken into custody and how they have been treated is further complicated by the Chinese government practice of treating or warehousing Falungong followers in mental institutions or psychiatric wards. According to a doctor with Beijing University's Mental Hygienics Institute, firm Falungong believers suffer from "delusion-like subcultural beliefs," that their state of mind is not "normal," and their "righteous choice is to seek help from psychiatrists in hospitals."¹⁹⁹ Her statement had nothing to say about forced placement and medication in mental hospitals. In February 2001, a foreign ministry spokesperson said that allegations of misuse of psychiatry were "totally groundless."²⁰⁰ As of March 18, 2001, Falungong's website listed the names of 214 practitioners reputed to be in psychiatric detention and mentioned another fifty-two for whom no names were given. At the time, Falungong spokespersons were estimating that the total number of psychiatric detainees approached 1,000.²⁰¹

If there is a rationale for sending Falungong practitioners to psychiatric facilities, it is unclear. Robin Munro, author of a ground-breaking study of psychiatric abuse in China, has stated that many who end up in such facilities do not belong there. He goes on to say that "political criminals," the subset that includes Falungong practitioners, who evince "a perplexing absence of any normal instinct

¹⁹⁶ "Civil and Political Rights Including Questions of Torture and Detention: Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights Resolution 1999/32," United Nations, Economic and Social Council, E/CN.4/2001/66, 25 January, 2001, paragraph 321.

¹⁹⁷ E/CN.4.2000/9, paragraph 220; E/CN.4/2001/66, paragraph 322.

¹⁹⁸ E/CN.4.2000/9, paragraph 220-221; E/CN.4/2001/66, paragraph 327.

¹⁹⁹ "Chinese doctor says Falun Gongers suffer 'delusion-like subcultural beliefs,'" BBC Monitoring, February 4, 2001, from Xinhua, February 4, 2001.

²⁰⁰ "FM Spokesman Denies Report on Abusing Psychiatry for Political Reasons," FBIS, February 21, 2001, from Agence France-Presse, February 20, 2001.

²⁰¹ For further discussion of forced placement of Falungong practitioners in psychiatric facilities, see Robin Munro, "Judicial Psychiatry in China and its Political Abuses," *Columbia Journal of Asian Law*, Vol.14, No.1, Spring 2000, pp. 106-120.

for self-preservation" wind up in mental institutions."²⁰²

From what information is available about Falungong practitioners confined in mental facilities, judgments as to the appropriateness of the placements do not seem to be made on the basis of generally accepted psychiatric criteria. On the other hand, several pragmatic reasons for the practice have been suggested, that practitioners are sent to mental hospitals when they have been held in traditional detention facilities longer than the law allows or when overcrowding becomes too severe or when authorities at detention centers are trying to reduce their own costs. In any event, the basis for determining who is sent to what kind of facility is not apparent.

An analysis of the Falungong material on psychiatric placement of practitioners yields some general information about those being held, but raises questions about why particular practitioners have been singled out.²⁰³ For example, more than 75 percent of those whose sex is listed are women, a profile which fits with reports that the majority of resolute protestors were women. Shandong province, where the crackdown has been most extensive, accounts for over 35 percent of cases for which location is listed; Beijing accounts for 25 percent.²⁰⁴ The number of publicized cases or even those with some identifying information is too small to yield reliable judgments on such categories as occupation or status within Falungong, but a sampling included an intermediate court judge, a Party official, cadres at various government bureaus and commissions, military officers, police officials and traffic policemen, professors and teachers, accountants, engineers, bank employees, factory, mine, hospital, and retail store workers, a retired manager of an investment company, a researcher, and a fashion model.

The identified cases, many of professionals or security personnel, may be an artifact of the greater willingness of family members to divulge information to Falungong spokespersons, easier access to e-mail or other means of relaying information, or other unidentified factors. On the other hand, the government's preoccupation with security and the problem of disciplining recalcitrant army and police personnel and government cadres may account for the prevalence of such

²⁰² Interview reported in Erik Eckholm, "Psychiatric Abuse by China Reported in Repressing Sect," *New York Times*, February 18, 2001.

²⁰³ "Name list of Falun Gong practitioners who have been sent to mental hospitals," March 18, 2001, as of April 27, 2001 accessed at <http://hrreports.faluninfo.net/book4/CategoryIndex>.

²⁰⁴ Ian Johnson, "Death Trap: How One Chinese City Resorted to Atrocities to Control Falun Gong --- Pressured by their Superiors, Weifang's Police Tortured Members of Banned Sect --- The Makeshift Jail in Beijing," *Wall Street Journal*, December 26, 2000.

cases among those identified.

VI. FALUNGONG OUTSIDE MAINLAND CHINA

As soon as the crackdown started in July 1999, Falungong looked for support from foreign governments and multilateral organizations such as the office of the U.N. High Commissioner for Human Rights, and from Falungong practitioners outside China, estimated at thirty million by the organization's spokespersons. Falungong leaders sought leverage and legitimacy by urging governments in the West and throughout Asia to express outrage at China's human rights violations and to pressure the Chinese leadership to reverse its ban on Falungong. With the crackdown underway and the possibility that Falungong's visibility within China would wane, its leaders also promoted the growth of the movement in countries outside China to demonstrate Falungong's continued vitality and efficacy.

China responded to Western condemnation of the Falungong crackdown with accusations of interference, collusion, and ignorance of the danger Falungong presented to China and to individual practitioners. In Asian cities—Hong Kong, Singapore, Bangkok, Tokyo—where a vibrant Falungong presence might have helped sustain the movement, China went on the diplomatic offensive.

As a result, foreign governments generally have been unwilling to do much in the face of the crackdown beyond providing rhetorical defense for practitioners' basic rights. In many cases, foreign governments responded to Chinese pressure by turning their backs on reports of abuses or even denouncing Falungong. In isolated instances, some governments limited Falungong members' freedom of assembly and expression in their own countries.

Nowhere has more been at stake, pragmatically and symbolically, than in Hong Kong.

Falungong in Hong Kong

Practitioners in the Special Administrative Region of Hong Kong (SAR), there since 1996, have supported the rights of those on the mainland from the time the crackdown began in July 1999.²⁰⁵ The Hong Kong government, on the other hand, has quietly chipped away at the rights of SAR practitioners. On paper, Hong Kong has held the line and Falungong remains legal there; SAR authorities have not passed an anti-cult law or anti-sedition legislation, as some had feared, which would have provided a legal basis for banning the group. Nor has the SAR government seriously restricted Falungong followers from practicing and making their views publicly known through marches, meetings, and demonstrations. Responding to pressure from Beijing, Hong Kong authorities have, however, limited Falungong

²⁰⁵ Mark Landler, "Hong Kong to Monitor Falun Gong More Closely, Official Says," *New York Times*, February 4, 2001.

practitioners' use of public facilities and restricted access to followers based outside the SAR. Authorities have also put Falungong on notice by declaring that the group has all the markings of an "evil cult," that it is being carefully monitored, and that it could be shut down quickly should Hong Kong authorities deem such action necessary.

Early Falungong-Hong Kong interaction was routine. On July 22, 1999, the same day Falungong was banned on the mainland, the Hong Kong government assured the Hong Kong chapter, legally registered as a society, that "[Falungong's] operation can continue so long as it abides by the law."²⁰⁶ By the following day, Hong Kong practitioners openly staged the first of many protests, some with as many as 1,000 participants, denouncing actions taken by the Chinese government to destroy Falungong.²⁰⁷ In the following weeks and months, however, concerns about pressure from mainland authorities mounted when, for example, several Hong Kong bookstores refused to stock Falungong publications and when a large paging company failed to deliver Falungong-related messages.²⁰⁸ Some Hong Kong politicians objected to Falungong plans for a one-day international meeting in December 1999, and Chief Executive Tung Chee-hwa warned the organizers against "doing anything which was not in the interests of China, Hong Kong, or the 'one country, two systems'" policy.²⁰⁹ A month before the one-year anniversary of the ban, Hong Kong immigration authorities refused admission to several Falungong members from other countries.²¹⁰

At the same time, some practitioners flaunted their presence. Sidewalk distribution of a twenty-six page color brochure detailing alleged Chinese government atrocities seemed calculated to antagonize Hong Kong's pro-Beijing faction. But it was Falungong's efforts to hold a high-profile meeting at Hong

²⁰⁶ "Hong Kong: Government reportedly not to follow mainland ban on Falun Gong," BBC Worldwide Monitoring, July 22, 1999, from Kyodo News Service, July 22, 1999.

²⁰⁷ Priscilla Cheung, "China Sect Stages Hong Kong Protest," Associated Press Online, July 23, 1999. Falungong followers mounted a few earlier protests in the period between the April rally in Beijing and the official July ban.

²⁰⁸ "Hong Kong Won't Sell Sect Books," Associated Press Online, July 31, 1999; "Pager Firm Blocks Sect Calls," *South China Morning Post*, November 6, 1999.

²⁰⁹ Alex Lo, "Falun Gong conference 'slap in the face,'" *South China Morning Post*, December 9, 1999; "Hong Kong chief executive warns Falun Gong to abide by the law," BBC Worldwide Monitoring, December 11, 1999.

²¹⁰ "Falun Gong members denied entry into Hong Kong for the first time," BBC Monitoring, June 29, 2000; source, *Hong Kong iMail* (Internet Version-WWW), June 29, 2000.

Kong's City Hall on January 14, 2001 that demonstrated more clearly than ever the group's carefully thought through strategy of what might be called "peaceful provocation." It was clear that authorities in Beijing would be furious at such a move, in part because Falungong, at the point the meeting was being negotiated, had succeeded remarkably well in stalemating the government's effort to shut down the movement within China. It was clear that the international community, concerned about erosion of freedoms in Hong Kong, would be watching, and that the meeting would strain China-Hong Kong relations. It was also clear that Falungong was acting irreproachably, scrupulously following procedures for holding public meetings and acting entirely within the limits of the law.

On December 20, 2000, President Jiang Zemin visited Macao to help celebrate the first anniversary of the island's return to China after 450 years of Portuguese rule. His speech, indicating escalating impatience with all anti-mainland activities in Macao, gave Hong Kong's pro-Beijing media and business community the signal they needed.²¹¹ As soon as it became known that the SAR Legal and Cultural Services Department had "routinely" approved Falungong's January 14 meeting application, the pro-Beijing forces mounted a full-scale campaign to shut down the organization in Hong Kong once and for all.²¹² An unofficial understanding that at least during the meeting period Falungong would temper "provocative activities," such as putting up posters showing the bodies of those who allegedly died in custody in China, did nothing to assuage the China faction's animus.²¹³ Even those not wholly in the government's camp suggested Falungong members temper their

²¹¹ "We must never allow a small number of people in Macao to carry out activities that are against the central government and split the country," quoted in "Jiang Warns Against Dissent at Macao Celebrations," Reuters, December 20, 2000; Loh Hui Yin, "Macao, HK told - Curb anti-China activities," *The Straits Times*, December 21, 2000.

²¹² May Sin-mi Hon, "Pro-Beijing media attacks sect meeting," *South China Morning Post*, January 11, 2001; Martin Wong, Stella Lee and Jimmy Cheung, "Sect claims offensive, says official: Falun Gong members accused of abusing government tolerance in order to challenge Beijing," *South China Morning Post*, January 16, 2001.

²¹³ Alex Lo, "Banned Sect to Host SAR talks," *South China Morning Post*, January 4, 2001; "Falungong, Hong Kong Government Compromise on Planned Demonstration," FBIS, January 8, 2001, from *Hong Kong iMail* (Internet Version-WWW), January 5, 2001; "Expose the Heretical Nature of Falungong," *Wen Wei Po* (Internet Version-WWW), February 9, 2001, in "wwp editorial attacks heretical nature of falungong," FBIS, February 21, 2001.

activities to avoid a showdown.²¹⁴

On January 14, some 800 to 1,200 practitioners, including 700 from twenty-three other countries gathered in Hong Kong.²¹⁵ In a march across town in funeral attire, practice in a public park, a silent vigil, and delivery of petitions to the Chinese Government Liaison Office, they drew attention to the Chinese government's crackdown.²¹⁶ To ensure control, police split the marchers into twelve sections.²¹⁷ Organizers said that in a compromise they had agreed not to carry any banners denigrating China's president, Jiang Zemin.²¹⁸ In addition, officials of the Leisure and Cultural Services Department refused to permit a display of photos of alleged torture victims, because, they said, approval for the photos had not been obtained when Falungong rented the Hong Kong City Hall Auditorium, and because their display was irrelevant to the stated purpose of "experience sharing" by members.²¹⁹ Falungong agreed to the restriction in order to preserve the event.

During the meeting, much of the "sharing" came from followers who had experienced mistreatment. Falungong charged that, using a Beijing-supplied black list, Hong Kong authorities had deliberately refused entry to those with the most compelling testimonies.²²⁰ Immigration authorities claimed the thirteen practitioners who had been barred from the territory had visa problems.²²¹

The first salvo directly from China relating to the January 14 event came in a lengthy article carried by Xinhua that labeled a Hong Kong spokesman for the

²¹⁴ "SAR Falungong Pledges 'Low Profile,' Seeks Public Understanding," in FBIS, February 12, 2001, from *Hong Kong iMail* (Internet Version-WWW), February 8, 2001; "HK NPC Deputy on Hong Kong's Handling of Falungong Issue," FBIS, February 21, 2001, from *Hong Kong iMail* (Internet Version-WWW), February 20, 2001.

²¹⁵ Margaret Wong, "Falun Gong Sect Meets in Hong Kong," Associated Press, January 14, 2001.

²¹⁶ Clay Chandler, "Hong Kong Detains Adherents of Sect Denounced by Beijing; Falun Gong Tests 'Two Systems' Policy," *Washington Post*, January 14, 2001; Agnes Lam, "Sect march on Beijing office," *South China Morning Post*, January 14, 2001.

²¹⁷ Lam, "Sect march....," *South China Morning Post*.

²¹⁸ Tyler Marshall, "Hong Kong's Political Autonomy Withstands Beijing's Ban on Falun Gong," *Los Angeles Times*, January 14, 2001.

²¹⁹ Wong, "Falun Gong Sect Meets....," Associated Press.

²²⁰ Chandler, "Hong Kong Detains Adherents....," *Washington Post*; Manuel and Johnson, "Falun Dafa Says Hong Kong....," *Asian Wall Street Journal*.

²²¹ Gren Manuel and Ian Johnson, "Falun Dafa Says Hong Kong Is Less Tolerant of Movement --- Government Permits Conference, but Some Followers Are Turned Away --- Chinese Media Outlets in the City Have Openly Criticized Group," *Asian Wall Street Journal*, January 14, 2001.

group “a core member of the evil cult” and expressed alarm over Falungong’s expansion to other Asian cities. A second article, published after the event, raised concerns over Hong Kong’s becoming a base for subversion and charged Falungong with being a “cheap tool” of the West in collusion with anti-China forces and separatists in Tibet, Xinjiang, and Taiwan.²²² Pro-Beijing Hong Kong newspapers denounced the group in front-page articles; and local lawmakers commented on the dangers Falungong was said to pose to social order in Hong Kong.²²³

In February 2001, a Hong Kong member of the Standing Committee of China’s National People’s Congress (NPC) accused the local Falungong group of increased “ferocity” in directly attacking the central government. He indicated he planned to raise the issue at the Standing Committee meeting, scheduled for February 26-28, and at the NPC meeting the following week.²²⁴

Hong Kong Secretary for Security Regina Ip added fuel to the fire with her February 1 objection to Falungong’s higher profile and what she said was its targeting of the central government. At the same time as she acknowledged that members of the group had done nothing illegal, she insisted on the need to keep “watch on their activities.”²²⁵ On March 1, Ms. Ip labeled Falungong “devious,” characterized by heterodoxy, and not an “ordinary” organization, in part because it was so well organized and funded, two charges Hong Kong practitioners denied.²²⁶ In regard to complaints about Falungong’s pamphleteering and use of e-mail, she again suggested it would not be “abnormal for the Government to closely monitor it.” Although Falungong had not yet broken the law she suggested, it

²²² Hon, “Pro-Beijing media attacks...,” *South China Morning Post*; “People’s Daily Commentary: Falungong Leader Backed by Overseas Anti-China Forces,” FBIS, January 8, 2001, from Xinhua, January 7, 2001; “There is a Profound International Background to Falungong’s Ability to Fight Back Like a Cornered Beast,” *Zhongguo Xinwen She*, February 8, 2001, in “ZXS Commentary Assails Foreign Support for Falungong,” FBIS, February 12, 2001.

²²³ Stella Lee, “Falun Gong conference aims to disrupt social order,” *South China Morning Post*, January 15, 2001.

²²⁴ “Tsang Hin-chi To Brief NPC Standing Committee Meeting on Falungong in Hong Kong,” FBIS, February 27, 2001, from “NPC Standing Committee Member Tsang Hin-chi Accuses Falungong of Getting More and More Ferocious and Rampant,” *Wen Wei Po* (Internet Version-WWW), February 26, 2001.

²²⁵ “Hong Kong authorities to ‘keep a watch on’ Falun Gong - security secretary,” BBC Monitoring, February 1, 2001.

²²⁶ Stella Lee, “Falun Gong denies being well-funded,” *South China Morning Post*, March 3, 2001.

“might do that in the future.”²²⁷

By March 2, a Falungong spokesman in Hong Kong complained of increased pressure from the police including ID checks of practitioners distributing leaflets.²²⁸ And a spokeswoman for the Leisure and Cultural Services Department confirmed that some 1,000 park managers had been told to “pay attention” to exercising Falungong practitioners.²²⁹ There had been complaints, she said, about members causing disturbances while handing out leaflets.

Chief Executive Tung Chee-hwa initially was circumspect in his public denunciation of Falungong, caught as he was between Beijing’s “one country” emphasis and the imperative in Hong Kong of stressing that the “two systems” remain largely independent. However, he too signaled approval of Beijing’s stance with a statement on February 8 that Falungong “more or less [bore] some characteristics of an ‘evil cult’” and that the group’s activities in Hong Kong warranted monitoring.²³⁰

At the same time as Falungong’s status in Hong Kong was under discussion, security arrangements for an international business meeting there, the Fortune Forum sponsored by AOL Time Warner, were in progress. President Jiang Zemin’s scheduled appearance at the May event meant SAR officials were under pressure to curb protest activities, especially those promised by Falungong, to the satisfaction of all parties. By April 11, the news had leaked that no mainland tour groups could be present in Hong Kong or Macao during Jiang’s visit.²³¹ By the middle of the month, security personnel from the Central Bodyguards Bureau and the Ministry of Public Security had begun to arrive in Hong Kong to monitor Falungong.²³² And at about the same time, Falungong practitioners in Hong Kong made public their intention to practice group exercises, distribute literature, and

²²⁷ Kong Lai-Fan, “‘Devious’ Falun Gong needs monitoring says Regina Ip,” *South China Morning Post*, March 2, 2001.

²²⁸ Stella Lee, “Sect complains of increased scrutiny by police,” *South China Morning Post*, March 2, 2001.

²²⁹ Stella Lee, “Officials admit keeping an eye on sect,” *South China Morning Post*, March 21, 2001.

²³⁰ Dirk Beveridge, “Shifting toward Beijing, Hong Kong leader brands Falun Gong a ‘cult,’” Associated Press Newswires, February 8, 2001.

²³¹ “Travel ban will not affect protest plans: local Falun Gong,” *South China Morning Post*, April 11, 2001.

²³² “PRC Security Personnel Arriving in HK To Monitor Falungong Ahead of Jiang Visit,” FBIS, April 27, 2001, from *Hong Kong Sing Tao Jih Pao*, April 25, 2001, p. A13.

mount a photo exhibition during the forum.²³³

Their announcement prompted Tung Chee-hwa to stress that his government “will not allow them [Falungong] to abuse Hong Kong’s freedoms and tolerance or to affect public peace and order,” adding that the group’s plans to protest were “unacceptable to the community.”²³⁴ He characterized Falungong’s motives as political rather than religious. Within days, Beijing signaled it agreed with Tung, as did Donald Tsang, Hong Kong’s new Chief Secretary for Administration.²³⁵ And just days before the visit, police readied a massive security force of some 3,000 officers, banned protests within 1,000 feet of the forum site, and limited Falungong demonstrators to twenty.²³⁶ By then, Jiang had cut his visit from three days to one.²³⁷

The Hong Kong government, at the same time it denied having a blacklist, took steps to block entry to the territory to practitioners from abroad, including followers from Japan, Australia, the United Kingdom (U.K.), and the U.S., some of whom complained of rough treatment from immigration officials.²³⁸ They, in turn, insisted the deportations had nothing to do with Falungong membership but refused to give any other reasons; the Chinese Foreign Affairs Ministry insisted that exit and entrance procedures were legal; and Security Secretary Ip defended the

²³³ “Falun Gong Plans Events in Hong Kong During Jiang’s Visit,” *South China Morning Post*, April 18, 2001.

²³⁴ “Hong Kong Leader Criticizes Sect,” Associated Press, April 26, 2001; “Tung steps up attack on sect,” *South China Morning Post*, April 26, 2001; “Hong Kong freedoms to be tested during Jiang visit,” *South China Morning Post*, April 27, 2001.

²³⁵ “PRC Official Approves of Tung Chee-hwa’s Remarks on Falungong in HK,” FBIS, April 30, 2001, from *Wen Wei Po*, April 28, 2001; “Donald Tsang Vows to Keep Falungong in Check to Protect Citizens,” FBIS, May 1, 2001, from *Hong Kong iMail* (Internet Version-WWW), April 30, 2001.

²³⁶ Niki Law, “Police justify protest ban,” *South China Morning Post*, May 4, 2001; Stella Lee, “HK sect protest moved from forum,” *South China Morning Post*, May 4, 2001; “Jiang Almost Meets the Falun Gong,” *The Economist*, May 10, 2001.

²³⁷ “Jiang Zemin to Shorten Hong Kong Visit Due to Planned Protests,” *South China Morning Post*, April 18, 2001.

²³⁸ “Hong Kong blocks entry of two U.S. Falun Gong members,” *South China Morning Post*, May 6, 2001; “Group: Hong Kong Deports 2 U.S. Falun Gong Members,” Reuters, May 6, 2001; Florence Ng, “Hostile reception for sect members,” *South China Morning Post*, May 9, 2000.

expulsions.²³⁹ “No one,” she said, “was barred because of their religious belief or affiliation with any group,” but “as part of the overall security strategy.”²⁴⁰ It should be noted that no government is under obligation to admit non-nationals to its territory. Under Article 154 of the Basic Law, Hong Kong has sole authority to apply immigration controls on entry, stay, and departure in the Hong Kong Special Administrative Region by persons from foreign states and regions.

Under pressure from Hong Kong lawmakers, Ms. Ip finally admitted the existence of a blacklist but refused to say whether Falungong members were on it.²⁴¹ In an editorial, she also defended the security arrangements against charges that they deprived protestors of their rights to freedom of speech and assembly.²⁴²

Within days of the conclusion of the Fortune Forum, Falungong practitioners mounted another challenge to Hong Kong authorities with the announcement they would hold weekly “spiritual exercises” in a public park in Hong Kong’s tourist district. Group leaders had done their homework. Since Falungong was not renting space, the Leisure and Cultural Services Department could not legally ban the meeting; and since less than fifty people were expected to attend, there was no need to notify the police seven days in advance as required by the Public Order Ordinance.²⁴³

By mid-May, the Hong Kong government’s stance toward Falungong had begun to shift. Officials made clear that although they viewed Falungong with a great deal of suspicion and would continue monitoring it closely, there would be no attempt to shut it down. Some commentators speculated that the decision reflected Tung’s desire to show, in advance of elections for chief executive in March 2002, that “one country, two systems” was intact. Chief Secretary Donald Tsang, for example, said Hong Kong had “to consider all options, legislation included, in dealing with cults.” “We must make adequate preparations,” he said, “so that we will not be at a loss when things happen.”²⁴⁴ And he acknowledged that SAR

²³⁹ “Falun Gong Members Demonstrate,” Associated Press, May 8, 2001; “Expulsion of Sect Members ‘Lawful,’” *South China Morning Post*, May 11, 2001.

²⁴⁰ “Hong Kong says not barring entry due to religion,” *South China Morning Post*, May 16, 2001.

²⁴¹ “Ip admits to existence of blacklist,” *South China Morning Post*, May 22, 2001.

²⁴² Regina Ip, “Our force was justified,” *South China Morning Post*, May 30, 2001.

²⁴³ “HK: Falungong Announces Weekly ‘Spiritual Exercises’ in Kowloon Park,” FBIS, May 15, 2001, from *Hong Kong iMail* (Internet Version-WWW), May 14, 2001.

²⁴⁴ “Hong Kong Considers Legislation Over Cults Such As Falun Gong,” Reuters, May 18, 2001.

officials and Falungong members were having “quiet chats.”²⁴⁵ By mid-July, even Security Secretary Ip had backtracked, suggesting that since Falungong had not grown and that no law had been overtly breached, no new legislation or measures were needed “on the basis of the current situation.”²⁴⁶ Their statements taken together suggest that Hong Kong is striking a middle ground between Beijing's demands and pressure from Hong Kong's Falungong practitioners—some 500 in all—who are committed to continuing their protests, deliberately seeking confrontation and staging events that raise the group's profile in the territory and beyond, but at the same time staying well within the law.

Chief Executive Tung Chee-hwa's statement on the other hand, that “Falun Gong was without doubt an evil cult...and by no means apolitical,” caused continuing apprehension that Hong Kong may behave differently should Beijing change its signal.²⁴⁷

Falungong Elsewhere in Asia

As the examples below show, in many Asian countries Falungong fared poorly at the hands of government officials. The desire of many of these countries' leaders to do nothing that would jeopardize relations with China meant their governments took steps to limit Falungong's growth. In some cases they restricted international meetings within their borders, imprisoned and expelled practitioners for what would normally be minor offenses, refused tax breaks, or counseled against planned appearances by Li Hongzhi, Falungong's leader. At the same time as governments were restricting Falungong's activities, they permitted the Chinese government to organize anti-Falungong rallies. The Chinese embassy in Singapore organized a “say no to the cult” seminar for Southeast Asia; a similar event was held in Bangkok.²⁴⁸ If Falungong's leadership had hoped to build a major constituency in an Asian country other than China, it had to be bitterly disappointed.

Thailand

After Chinese officials became aware of plans for an international Falungong

²⁴⁵A source close to Hong Kong political leaders confirmed to Human Rights Watch in July 2001 that such discussions were ongoing.

²⁴⁶Chris Yeung, “Britain welcomes stance on Falun Gong,” *South China Morning Post*, July 20, 2001.

²⁴⁷Ellen Chan, “Tung: Falun Gong without a doubt an evil cult,” *South China Morning Post*, June 14, 2001.

²⁴⁸“Say No To Falun Gong, China Urges People in SE Asia,” Dow Jones Newswires, March 2, 2001.

meeting in Bangkok in April 2001, they complained to the Thai embassy in Beijing, suggesting the event would disrupt China-Thai relations.²⁴⁹ Simultaneous with the arrival of a new Chinese ambassador in Bangkok, Chinese-language dailies there ran prominent advertisements faulting Falungong, the Chinese Chamber of Commerce spoke out against the proposed gathering, and President Jiang Zemin communicated his concern directly to the new Thailand ambassador to China.²⁵⁰ Although practitioners called the proposed event “non-political,” a Thai official made clear that Thailand valued its relations with China, and would not allow any group to use Thai territory to disparage another country.²⁵¹ Chinese authorities supplied Thai police with a list of blacklisted practitioners.²⁵² The Thai business community weighed in, suggesting that if Falungong was accepted in Thailand, groups such as Japan’s Aum Shinri Kyo would move in. The press accused Falungong of denigrating Buddhism; Thailand’s new government announced that Li Hongzhi would no longer be welcome in Bangkok.²⁵³ On February 26, after a meeting with the Deputy Commissioner of Special Branch police, Falungong canceled the meeting.²⁵⁴

The issue of Falungong’s activities in Thailand arose again in mid-May 2001. In anticipation of a protest during Chinese Premier Zhu Rongji’s visit to Bangkok, the special branch police announced it would closely monitor Falungong members.²⁵⁵

Singapore

Singaporean officials discouraged Falungong practice almost immediately following the Chinese ban. They suspended the group’s classes in four government-

²⁴⁹ John Martinkus, “Thailand’s quiet crackdown,” *South China Morning Post*, March 7, 2001.

²⁵⁰ “China Thwarts Cult’s Thai Plans,” *Far Eastern Economic Review*, March 15, 2001; “A sect under siege,” *Straits Times*, March 11, 2001.

²⁵¹ “China Warns Thailand to ‘Be Vigilant’ Over Falungong Activities,” Agence France-Presse, February 15, 2001; “Thai FM Spokesman Says Falungong Have Not Asked to Hold Meeting,” FBIS, February 16, 2001, from *Bangkok Matichon*, February 15, 2001.

²⁵² “China Gives Thailand Blacklist of Falungong Leaders, Cult Coordinator Comments,” FBIS, February 16, 2001, from *The Nation* (Internet Version-WWW), February 15, 2001.

²⁵³ “A sect under siege,” *Straits Times*.

²⁵⁴ “Falun Gong Cancel Meeting in Thailand,” Agence France-Presse, February 26, 2001.

²⁵⁵ “Thais to Monitor Falun Gong During Visit by Chinese Premier,” Agence France-Presse, May 17, 2001.

run community centers; and, according to Falungong practitioners, the government-controlled press refused to sell them advertising space, ignored their press releases and letters to the editor, and published accounts maligning the group.²⁵⁶

On March 29, 2001, Singapore convicted and sentenced fifteen Falungong practitioners on charges of illegal assembly and obstructing the police. Thirteen were Chinese nationals, and two were Singaporean. The fifteen were part of a group of approximately one hundred who had attempted to hold a New Year's Eve memorial for Falungong members who had died in Chinese custody. Eight participants were each fined the approximate equivalent of U.S.\$550; seven received four-week sentences. Of those, six were Chinese nationals, three with permanent resident status in Singapore and three with student passes. Singapore Immigration and Registration revoked the permanent residency status of one participant and canceled the student passes, but was willing to allow them to depart for countries of their choice rather than be repatriated to China.²⁵⁷ One other non-Singaporean Falungong follower left after her employer canceled her work permit.²⁵⁸

Japan

Japan also apparently bowed to pressure. On March 8, 2000, the Tokyo metropolitan government refused non-profit status to the 400-member Japan Falun Dafa Society on the grounds that the application forms contained discrepancies. A Tokyo international affairs section chief acknowledged that a Chinese embassy official had called Falungong "a heresy" in urging the rejection, but insisted that the application was denied because Falungong did not meet applicable standards.²⁵⁹ Few such applications had been rejected after the law permitting prefectural governments to grant non-profit status went into effect in December 1998.²⁶⁰ On August 16, 2000, after the society turned to Japan's Economic Planning Agency for

²⁵⁶ Barry Porter, "Sect clampdown spills over," *South China Morning Post*, August 8, 1999; Jake Lloyd Smith, "Sect hits Singapore media over coverage, advertising 'ban,'" *South China Morning Post*, March 3, 2001.

²⁵⁷ "Singapore Ejects Falun Gong Four, But Not to China," Reuters, July 7, 2001.

²⁵⁸ "Singapore Strips Falungong Follower of Permanent Residence," April 27, 2001, World Reporter-TM Asia Intelligence Wire.

²⁵⁹ "China Asks Tokyo To Snub Falungong," Agence France-Presse, March 7, 2000; "Tokyo City Rejects Falungong Application for Non-Profit Status," Agence France-Presse, March 8, 2000.

²⁶⁰ "Xinhua: Falungong Denied Non-Profit Status in Japan," World News Connection, March 8, 2000.

help, the Overseas Chinese Council in Tokyo submitted a petition urging rejection. The letter's wording repeated the usual official Chinese accusations: Falungong had a political agenda, caused disturbance of public order, had heretical ideas, poisoned people's minds, and destroyed their health.²⁶¹ Finally, the petition warned against Japan becoming a "hotbed" for Falungong activities detrimental not only to Japan but to Chinese-Japanese relations. It is worth noting that news of the petition was publicized in an official Chinese source.

In July, the Japanese Consulate General stated that Japan's "Law to Control Organizations that have Committed Indiscriminate Mass Murders" did not apply to Falungong: "[G]roups that have not committed such activities in the past are beyond the scope of the law even if there is concern that they may commit such crimes in the future." The legislation, he said, "is not technically an 'anti-cult law.'"²⁶²

At this writing, Japan had yet to decide if it would be willing to grant asylum to six Chinese Falungong practitioners whose applications were received in April 2001.

Australia

Chinese officials were less successful in undermining Falungong in Australia despite the importance of Australia-China trade ties. In early 2001, the South Sydney mayor refused a request from the Chinese consulate in Sydney to prohibit a Falungong event.²⁶³ Some six months earlier, the Australian government had refused to intercede after the Chinese consul general in Sydney railed against Falungong's year-long sit-in in front of the consulate.²⁶⁴ Instead, the government responded by raising concerns about the embassy's surveillance and harassment of practitioners in Canberra.²⁶⁵

Taiwan

According to China, Taiwan is a renegade province conspiring with

²⁶¹ "Overseas Chinese urge Japan to deny Falun Gong request for charitable status," BBC Monitoring, September 4, 2000, from *Zhongguo Xinwen She*, September 1, 2000.

²⁶² Ambrose Leung, "Tokyo acts to clarify anti-cult legislation 'mix-up,'" *South China Morning Post*, July 24, 2001.

²⁶³ "A sect under siege..." *Straits Times*.

²⁶⁴ Wang Yongzhi, "PRC Consul General in Sydney Interviewed on 'Struggle' Against Falungong," World News Connection, July 20, 2000.

²⁶⁵ "Australia raises Falun Gong concerns with China," *The Age*, August 17, 2000, source AAP.

Falungong to “overturn Chinese political power” and Falungong’s presence and growth there must be monitored and restricted.²⁶⁶ Taiwan, looking not to exacerbate cross-Straits strains, has been willing to compromise, allowing Falungong practitioners, numbering some 7,000, the freedom to practice without obvious restriction; at the same time, the government has steered clear of seeming to support the movement. Two planned visits by Li Hongzhi, one in July 1999 at the time China banned Falungong, and another in December 2000, were canceled.²⁶⁷ In each case, Falungong spokespersons said Li had changed his schedule, but both sides admitted that political factors played a role. Li’s comment before the December trip that, “the timing for visiting Taiwan is not appropriate,” most likely reflected a request he stay away.²⁶⁸ Taiwan’s Mainland Affairs Council reportedly was against the trip, fearful it would exacerbate already tense mainland-Taiwan relations.²⁶⁹ The December visit was to have been part of a two-day Falungong summit, the Falun Dafa Asia-Pacific Region Cultivation Exchange. The event went ahead as planned, and Taiwan’s vice-president did address assembled practitioners but only to read a one-sentence statement and promptly depart.²⁷⁰ Some Taiwan practitioners managed to reach Hong Kong to protest during Jiang’s May 2001 visit; others were refused permission to enter.²⁷¹

Falungong in the West

Although Western leaders from Europe, the U.S., and Canada spoke out for human rights principles in the face of Chinese insistence that the Falungong “problem” was an internal one brooking no outside interference, there were times they were less than forthcoming in their condemnation of abuses. As the cases below illustrate, Western leaders remained silent or even implied in their remarks that Chinese authorities knew much better than they the intransigence of the Falungong problem and how best to deal with it. At sensitive times, such as when a Chinese dignitary was visiting, some leaders effectively looked the other way

²⁶⁶ “China: Journal says ‘hostile forces’ back Falun Gong to overturn political power,” BBC Monitoring, March 19, 2001, from *Qiusi*, March 1, 2001, pp.40-42.

²⁶⁷ “Sect leader’s Taipei visit thrown into doubt ...” *South China Morning Post*, December 22, 2000; “Li Hongzhi has delayed a planned trip to Taiwan amid heightened...,” *South China Morning Post*, July 23, 1999.

²⁶⁸ “Sect leader’s Taipei visit...,” *South China Morning Post*.

²⁶⁹ Jason Blatt, “Annette Lu addresses sect summit,” *South China Morning Post*, December 24, 2000.

²⁷⁰ “Falun Gong members march in support of PRC compatriots,” *China Post*, December 24, 2000; Blatt, “Annette Lu addresses...,” *South China Morning Post*.

²⁷¹ “Taiwan Falun Gong Followers Detained at HK Airport,” Dow Jones Newswires, May 7, 2001.

when their own authorities compromised Falungong practitioners' rights. But no country has done anything to directly impede Falungong's growth. Only when their own citizens or permanent residents were clearly threatened, or when China's leaders tried to interfere with their right to meet with Falungong followers outside China, did Western governments become actively engaged.

China has strenuously objected to any and all Western support for the basic rights of Falungong practitioners, no matter how mild or pro forma, often accusing the country involved of collusion and threatening retaliation.²⁷² Much of the ire has been directed against the U.S.

Europe

Li Hongzhi's plan to meet with Falungong practitioners in the U.K. on August 22, 1999, one month after the organization was banned in China, sparked a disagreement between the two countries, with Chinese authorities warning a visit would hurt the relationship.²⁷³ Claiming Li was a security threat, they urged the U.K. to deny him admittance and urged Interpol to detain him if he tried to cross into Britain. Both requests were refused.²⁷⁴ Li eventually canceled the trip, citing a busy schedule. However, two months later, when President Jiang Zemin visited the U.K. as part of a six-country tour, police refused to allow Falungong practitioners as well as other groups' members to demonstrate on the basis of a little used law banning demonstrations in royal parks.²⁷⁵ On the other hand, a small protest in front of the Chinese embassy in London on Chinese New Year 2001 took place without incident; and the Greater London Assembly refused to rescind its statement censuring China for its treatment of Falungong despite repeated Chinese

²⁷² "E.U.: China says human rights meddling may harm E.U. ties," Reuters, March 2, 2001; Fu Jing, "Religious Leaders Refute US Report," *China Daily*, May 7, 2001; "HK Paper on Beijing Concerns Over CIA's Involvement in Falungong," FBIS, February 18, 2001, from *Hong Kong Sing Tao Jih Pao* (Internet Version-WWW), February 18, 2001.

²⁷³ Simon Macklin, "U.K. warned letting sect leader in would hurt ties," *South China Morning Post*, August 18, 1999; "Chinese spiritual leader declines invitation to religious meeting," Associated Press Newswires, August 24, 1999.

²⁷⁴ "UK Rejects Plea to Ban Chinese Cult Leader," FBIS, August 19, 1999, from London Press Association, August 17, 1999.

²⁷⁵ Rupert Cornwell and Sara Bonisteel, "So, did that visit leave Britain feeling proud?" *The Independent*, October 24, 1999; "China's British Friends," *The Economist*, October 23, 1999; "Pro-democracy protest shown zero tolerance," *Times of London*, October 20, 1999; "Falungong sect protest banned in France during Jiang visit," Agence France-Presse, October 21, 1999.

pressure to do so.²⁷⁶

French officials banned a planned Falungong protest during President Jiang's October 1999 visit to Paris, charging such a demonstration posed a "risk of public order disturbances."²⁷⁷ Days later in Beijing, when German Chancellor Gertard Schroeder was asked to comment on the suppression of Falungong, he replied he was "not an authority on sects." Throughout his visit, police routinely rounded up protesting practitioners in Tiananmen Square without comment from the chancellor.²⁷⁸

The Netherlands faced problems in February 2001 after Chinese representatives in Hong Kong strenuously objected to the Dutch human rights ambassador's plan to include Falungong among the NGOs invited to meet with her in the territory.²⁷⁹ The meeting had been scheduled to take place during a stopover by a Dutch delegation, led by Foreign Minister Jozias van Aartsen, on its way home from Beijing. Instead of acquiescing to the mainland government's pressure to cancel the Hong Kong meeting, the Dutch postponed the entire trip, stating, "It cannot be the case that part of the program is changed under pressure from the Chinese government."²⁸⁰ Xinhua reported that the change in plans was due to time constraints.²⁸¹

²⁷⁶ "Falun Gong Protest in London," Agence France Presse, January 24, 2001; "London assembly in spat with Chinese ambassador over Falun Gong," Agence France-Presse, February 21, 2001.

²⁷⁷ "Falungong sect protest banned in France...," Agence France-Presse, Oct. 21, 1999.

²⁷⁸ Mary Kwang, "Schroeder: Use soft approach with Beijing," *Straits Times*, November 6, 1999; "Germany's Schroeder, China's Zhu Discuss Human Rights," Dow Jones International News, November 4, 1999.

²⁷⁹ Heike Phillips, "Dutch visit considered 'unwise,'" *South China Morning Post*, February 8, 2001.

²⁸⁰ "Dutch minister cancels China, Hong Kong trip amid sect row," Agence France-Presse, February 7, 2001; Gren Manuel, "Dutch Postpone Visit to China," *Wall Street Journal Europe*, February 7, 2001.

²⁸¹ In contrast, Italy's foreign minister Lamberti Dini appears to have acquiesced to Chinese pressure. After talks with his Chinese counterpart, who contended that the West did not understand the Falungong menace, Dini agreed that other countries were in no position to judge the issue. "Chinese, Italian foreign ministers discuss rights, missile shield," BBC Monitoring, March 21, 2001, from ANSA. In 2000, Italy was one of several countries that reportedly blocked moves by the European Union to co-sponsor a U.S. resolution at the U.N. Commission on Human Rights meeting in Geneva condemning China for its human rights abuses. "China Averts U.N. Human Rights Censure; U.S.-Sponsored Resolution Fails on

On a number of occasions, the European Parliament and the European Union (E.U.) reproached China for its human rights record, including its treatment of Falungong. Each time the Chinese leadership immediately warned the offending body of potential adverse consequences to China-European relations. In January 2000, after the European Parliament adopted a critical resolution, a spokesman for the Chinese Foreign Ministry responded that the resolution was “groundless” and that its confrontational nature would prove damaging.²⁸² A year later, after E.U. foreign ministers issued an equally condemnatory statement and the European Parliament passed a second critical resolution, China’s ambassador to the E.U. warned of the “negative impact.”²⁸³ China’s officials also reminded France, Italy, and Germany of their own problems with “cults,” and offered to collaborate against the common threat.²⁸⁴

Canada

When Zhang Kunlun, a dual Chinese-Canadian citizen was detained in China for his Falungong-related activities, the Canadian government was forced to defend its policy of trade and private dialogue as a catalyst for changing China’s human rights policies.²⁸⁵ By helping secure Zhang’s release and assisting in his wife’s escape, Prime Minister Jean Chretien was able to keep to his scheduled mid-February 2001 trade mission to China with minimal political fallout. During the visit, Canadian companies signed agreements worth approximately U.S.\$3.8 billion.²⁸⁶ To his credit, the prime minister delivered a strong speech denouncing the

Procedural Vote; Cuba, Yugoslavia Cited,” *Washington Post*, April 19, 2000. ²⁸² “Chinese spokesman criticizes EU’s resolution on China’s human rights,” BBC Worldwide Monitoring, January 26, 2000, from *Zhongguo Xinwen She*, January 25, 2000.

²⁸³ “E.U. Moves to Step up Human Rights Dialogue with China,” Agence France-Presse, January 22, 2001; “Chinese spokesman criticizes EU’s resolution...,” BBC Worldwide Monitoring, Jan. 26, 2000; “E.U. urges China to stop oppression of opponents,” Associated Press Newswires, February 23, 2001; “E.U.: China says human rights meddling...,” Reuters, March 2, 2001.

²⁸⁴ “China: Anti-cult Association ends week-long visit to France,” BBC Monitoring, April 1, 2001, from Xinhua, March 31, 2001; “China: Falun Gong, a cult, should be combated in any country,” *China Daily*, August 18, 1999; “China slams European resolution on rights, Tibet, persecution,” BBC Worldwide Monitoring, January 31, 2000, from Xinhua, January 31, 2000.

²⁸⁵ “Chretien turns up the heat on China,” *Globe and Mail*, February 15, 2001; “PM vows to press China on rights,” *Globe and Mail*, March 17, 2001.

²⁸⁶ “Canadian companies sign pacts worth \$27b,” *South China Morning Post*, February 14, 2001.

Chinese government for its human rights abuses including its treatment of Falungong practitioners. A week before the 900-person mission left for China, Canadian Falungong followers charged that Chinese diplomats in Toronto were engaging in a campaign of "direct interference, threat, intimidation, and assault." Foreign Affairs Minister John Manley promised to investigate the complaint, but at the end of November 2001 no further information was available.²⁸⁷ In April, the Chinese consulate in Calgary protested a proclamation by the city of Saskatoon honoring Falungong. The city council refused to withdraw it.²⁸⁸

United States

The Clinton administration went on record immediately after the Chinese government banned Falungong, noting it was "disturbed by reports of the ban, and of some heavy-handed tactics being used to prevent citizens from exercising internationally-protected fundamental human rights and freedoms."²⁸⁹ But it was not until the following month, after the U.S. government criticized China for its plan to put Falungong leaders on trial, that Chinese officials went on the offensive against the U.S. position.²⁹⁰ In October, Beijing expressed outrage after a State Department spokesman, in answer to a reporter's question, said that the U.S. had "repeatedly communicated our concern about the crackdown on the Falun Gong at high levels to the Chinese government...We will continue to raise...our concerns..."²⁹¹ In April 2000, the Clinton administration bluntly told the Chinese government to end its crackdown but did nothing to back up the warning.²⁹² A state department spokesman on October 2, 2000 found China's treatment of demonstrators in Tiananmen Square the day before "very disturbing" and said the

²⁸⁷ "Canada To Investigate Falun Gong Complaints," Central News Agency (Taiwan), February 8, 2001, from World Reporter (TM) - Asia Intelligence Wire.

²⁸⁸ "Chinese consulate criticizes Saskatoon's proclamation honoring Falun Gong," *Canadian Press*, April 1, 2001.

²⁸⁹ "U.S. disturbed by China's decision to ban sect," Associated Press Newswires, July 22, 1999.

²⁹⁰ "State Department urges China not to prosecute religious group," Associated Press Newswires, August 25, 1999; "Beijing slams U.S. 'Meddling over sect,'" *South China Morning Post*, August 27, 1999; "China Lashes Out at United States for Thwarting the Rectification of Falungong," *Ming Pao*, August 27, 1999, in "US Accused of Thwarting Anti-Falungong Movement," FBIS, August 30, 1999.

²⁹¹ US Department of State, Daily Press Briefing, October 27, 1999, Transcript by Federal Document Clearing House; "China resentful over US official Rubin's remarks on Falun Gong sect," BBC Worldwide Monitoring, October 28, 1999, from Xinhua, October 28, 1999.

²⁹² "The Clinton administration has told Beijing to stop its crackdown on..." *South China Morning Post*, April 27, 2001.

U.S. would not stop urging China to respect internationally recognized human rights.²⁹³

The U.S. Congress weighed in beginning on August 6, 1999. In November, the House of Representatives passed a resolution calling on China to release Falungong adherents and permit followers to resume practice. A congressional letter on February 5, 2001 emphasized the international standards violated by China in its treatment of Falungong practitioners.

Within a week of President Bush's inauguration, the State Department called for the release of Falungong members who had engaged in peaceful protest.²⁹⁴ In the following months, President Bush continued to express concern about the crackdown on Falungong in the context of his disquiet over religious repression in general. In March, he told visiting Vice-Premier Qian Qichen that it would be "easier [for the U.S. and China] to move forward in a constructive way" if religious freedom prevailed in China.²⁹⁵ In May, President Bush again cited persecution of Falungong practitioners as an example of "intensifying attacks" on religious freedoms.²⁹⁶ In July, he queried Hong Kong's chief executive over his administration's treatment of Falungong.²⁹⁷

The repeated U.S. denunciations of the crackdown on Falungong drew sharp rebukes from Chinese officials and the Chinese-controlled press. These accounts typically characterized China's dealings with Falungong as "an expression of China's sovereignty" and U.S. criticism as unwarranted interference in China's internal affairs.²⁹⁸ At times, Chinese officials accused the U.S. administration of

²⁹³ "U.S. disturbed by Chinese crackdown on spiritual movement," Associated Press Newswires, October 2, 2000.

²⁹⁴ "China criticizes U.S. comments on Falun Gong crackdown," Associated Press Newswires, January 25, 2001.

²⁹⁵ Jim VandeHei, "Bush Signals Hard Line to China's Vice Premier," *Wall Street Journal*, March 23, 2001.

²⁹⁶ Scott Lindlaw, "President criticizes Chinese religious restrictions," Associated Press Newswires, May 4, 2001.

²⁹⁷ "Bush quizzes Tung over treatment of Falun Gong," *South China Morning Post*, July 13, 2001.

²⁹⁸ See for example, "Newspapers Urge U.S. Govt Not to Interfere in China's Internal Affairs," January 28, 2001; Editorial, "Banning Cult According to Law is an Internal Affair Which Brooks No Interference," *Ta Kung Pao*, January 27, 2001, in "TKP Editorial Blames USA for Interfering in China's Handling of Falungong Sect," FBIS, January 27, 2001; Wen Wei Bao Editorial, "Opposition to the United States' Shielding 'Falungong's' Anti-China Activities," *Wen Wei Po*, January 27, 2001, in "Wen Wei Po Editorial Slams US Support of Falungong," FBIS, January 29, 2001; "China Refutes Alleged 'Falun Gong' Crackdown," *People's Daily*

“ulterior motives.” At other times, officials chastised U.S. diplomats and lawmakers for what they characterized as a failure to understand how dangerous and evil Falungong was.²⁹⁹ For example, Beijing stated its “strong resentment” and “firm opposition” to the November 1999 House of Representatives resolution, even accusing a few congressmen of manipulating the vote.³⁰⁰ China put the new administration on notice that it would brook no interference in its affairs, labeling the Bush administration’s initial statement on Falungong “totally unacceptable.”³⁰¹

Beijing also responded indignantly to two of the State Department’s annual *Country Reports on Human Rights Practices*, one in February 2000, the other a year later; to the State Department’s reports on religious repression around the world; and to the reports of the U.S. Commission on International Religious Freedom (USCIRF).³⁰² Religious leaders in China called the USCIRF’s 2001 report a “sheer fabrication,” commenting that, “[t]he report went so far as to treat the evil cult Falun Gong, rejected in disgust by the Chinese religious circles and the Chinese people, as a religion.”³⁰³

Online, January 26, 2001.

²⁹⁹ Erik Eckholm, “Beijing, Turning Tables, Defends its Repression of Sect,” *New York Times*, February 28, 2001; “China Says West Aiding Falun Gong Revolt Plot,” Reuters, September 29, 2000; Joe McDonald, “China detains American, Australians, Swede,” Associated Press Newswires, November 25, 1999.

³⁰⁰ “China, US resolution causes strong resentment, opposition,” *China Daily*, November 20, 1999.

³⁰¹ “China criticizes U.S. comments...,” Associated Press Newswires, January 25, 2001.

³⁰² “Country Reports on Human Rights Practices: China,” Released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State; <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=684>, February 2001; <http://www.state.gov/g/drl/rls/hrrpt/1999/index.cfm?docid=284>, February 2000. U.S. Department of State Annual Report on International Religious Freedom for 1999, Released by the Bureau for Democracy, Human Rights, and Labor, S e p t e m b e r 9 , 1 9 9 9 , http://www.state.gov/www/global/human_rights/irf/irf_rpt/1999/index.html; for 2 0 0 0 , S e p t e m b e r 5 , 2 0 0 0 , http://www.state.gov/www/global/human_rights/irf/irf_rpt/irf_toc.html. Report of the United States Commission on International Religious Freedom, May 1, 2001, http://www.uscirf.gov/reports/01May01Report_Index.php3; May 1, 2000, http://www.uscirf.gov/reports/01May00Report_Index.php3.

³⁰³ “Chinese religious leaders protest against US report on religious freedom,” BBC Monitoring, May 5, 2001, from Xinhua, May 5, 2001; Eckholm, “Beijing, Turning Tables...,” *New York Times*.

Chinese authorities also reacted strongly to U.S. willingness to grant political asylum to a Falungong follower, voicing a demand that “this erroneous act” be rectified.³⁰⁴ The outburst did not deter the U.S. Immigration and Naturalization Service from granting some asylum requests and stating unequivocally that asylum was possible if a petitioner could show “a fear of living in China.”³⁰⁵

In spite of the rhetoric, the Chinese government has been careful in its treatment of U.S. citizens or permanent residents detained in connection with Falungong activities in China. Until November 2000, they were briefly detained, then expelled.³⁰⁶ The harder line was signaled when Chinese authorities ignored a U.S. request that Teng Chunyan, a U.S. permanent resident who had been jailed in China in May 2000 be allowed to return home. Instead, within months she was sentenced to a three-year prison term for “disclosing national security information to foreigners.”³⁰⁷ Thus far, U.S. efforts on her behalf have been ineffective; and until November 2001 China’s intransigence appeared to have succeeded in stopping U.S. residents from traveling to China in support of Falungong.³⁰⁸

³⁰⁴ “US asylum offer for Falun Gong member infuriates Beijing,” *South China Morning Post*, November 10, 1999.

³⁰⁵ “US Official: Falun Gong Members May Be Granted Asylum,” Dow Jones Newswires, February 16, 2000; Amy Westfeldt, “Falun Gong member wins asylum in New Jersey,” Associated Press Newswires, April 25, 2000.

³⁰⁶ “Alabama Couple Arrives from China After Detention,” Dow Jones International News, October 25, 2000; “Detained Falun Gong Member Released,” Associated Press Newswires, February 11, 2000; “Bridgewater woman freed after arrest in China for belonging to Falun Gong,” Associated Press Newswires, February 5, 2000; “China To Free Coloradan Highlands Ranch Woman, Was Arrested As Member of Spiritualist Movement Suppressed By Government,” *Denver Rocky Mountain News*, December 15, 1999.

³⁰⁷ Christopher Bodeen, “China sentences U.S. based Falun Gong member for spying,” Associated Press Newswires, December 12, 2000; “U.S. Pressures China Over Jailed Falun Gong ‘Spy,’” Reuters, December 14, 2000.

³⁰⁸ On November 20, thirty-five Falungong practitioners from the U.S., Europe, Australia, and Canada raised a banner in Tiananmen Square to protest China’s treatment of Chinese Falungong members. In less than a minute, security officials dragged the demonstrators to waiting vans, apparently roughing up several in the process. Philip P. Pan, “China Arrests Foreigners at Rally; Group Protests Violence Against Falun Gong,” *Washington Post*, November 21, 2001. They were detained for approximately a day before being deported. According to a Chinese spokesperson, from the start of the protest, the protestors were treated in accordance with the law. “Chinese spokeswoman says deported Falun Gong members treated ‘humanely,’” BBC Monitoring, November 23, 2001, from China National Radio

The invective China directed at the U.S. over the latter's criticism of the crackdown on Falungong may have been diplomatic posturing, little more than a warning to the U.S. to limit the scope of its criticism. However, despite Chinese warnings, at the annual meetings of the U.N. Commission on Human Rights in 2000 and 2001, the U.S. sponsored resolutions condemning China's human rights record. Both resolutions made mention of the Falungong crackdown; both resolutions failed.

United Nations

United Nations High Commissioner for Human Rights Mary Robinson has repeatedly brought to the attention of China's leaders her concern about the treatment of Falungong and the use of arbitrary detention to hold practitioners.³⁰⁹ But other U.N. agencies have sent a different message. In November 2000, the United Nations Development Program (UNDP) co-sponsored an "International Symposium on Cults." The opening remarks of Kerstin Leitner, the agency's resident representative in China, gave official media an opportunity to justify China's crackdown and boast of other countries' support for its efforts.³¹⁰ She suggested, for example, that "Under some circumstances [religious beliefs] can lead to situations where individuals lose their sense of reality and are led to do things which are not in their best interest. It is at this point that religion becomes more than a personal matter." Ms. Leitner went on to say that "tolerance seems to leave us vulnerable to groups which defy mainstream thinking and values in the name of religious mission."³¹¹ A year earlier, in October 1999, U.N. Secretary-General Kofi Annan remarked during a visit to China that after Foreign Minister Tang gave him

Taiwan, November 22, 2001. According to practitioners, police kicked, punched, and otherwise assaulted at least some of the protestors. S.C. Chang, "CNA: Canadian Falungong Protestors Say PRC Authorities Broke Law," World News Connection, November 30, 2001; Christopher Bodeen, "Sweden protests treatment of Western Falungong demonstrators," Associated Press Newswires, November 22, 2001. Several international journalists were detained and questioned by Chinese authorities for covering the protest. "China: RSF says foreign journalists still persecuted for covering Falun Gong," BBC Monitoring, December 5, 2001, from Reporters Sans Frontieres press release, December 1, 2001.

³⁰⁹ "U.N. chief cites deterioration in China's rights record," Associated Press Newswires, March 3, 2000; "Mary Robinson clashes with China over sect," *Irish Times*, February 28, 2001.

³¹⁰ Ian Johnson, "U.N.-Backed Conference in Beijing on Evil Cults," *Wall Street Journal Europe*, November 22, 2000.

³¹¹ "Opening Remarks by Kerstin Leitner, UNDP Resident Representative in China International Symposium on Cult Issues," November 9, 2000.

“a full explanation as to how the government sees the group,” he had “a better understanding” of what was involved. “In dealing with this issue, the fundamental rights of citizens will be respected and some of the actions they are taking are for the protection of individuals,” he said. At the time, Falungong had already been banned and declared an “evil cult,” over one hundred practitioners had been formally arrested, others had been administratively sentenced, and police were using violence in their roundups of peacefully demonstrating practitioners in Tiananmen Square.³¹²

³¹² Renee Schoof, “20 Falun Dafa members arrested as Annan questions ban,” Associated Press, November 17, 1999.

VII. ANALYSIS OF THE GOVERNMENT RESPONSE

This chapter looks in some detail at two important features of the Chinese leadership's response to Falungong. It examines first of all the reasons Beijing decided almost immediately following the April 25, 1999 demonstration outside Zhongnanhai to eradicate Falungong rather than coopt and regulate it, a strategy the government continues to employ effectively in dealing with the five religions it regards as legitimate. Secondly, the chapter examines the Party's decision to craft a series of laws, decisions, explanations, and interpretations to justify and implement the crackdown. The calculated use of a so-called rule of law campaign to further the anti-cult crackdown has much to say about the Party's manipulation of the legal system in China at present.

Why Eradication?

Two political considerations appear to have underlain the decision of the Chinese leadership, led by President and Communist Party leader Jiang Zemin, to mount a full-fledged campaign to eradicate Falungong and to allocate the necessary manpower and financial resources. One such consideration was the alleged danger posed by Falungong to social stability and thus Communist Party power, both already eroded by urban unemployment, widening income disparities, rural poverty, and corruption. The other was Jiang's preoccupation with his own political influence and his historic reputation after he steps down as General Secretary of the Central Committee of the CCP at the 2002 Party Congress and as president of China in 2003.

The linkage of stability and Party power to the demise of Falungong was readily apparent at the February 2001 Central Work Conference described above. At Jiang's insistence, some 2,000 Party leaders listened to each of the seven members of the Standing Committee—China's de facto rulers—testify in turn to the need to eradicate the movement.³¹³ Noting the importance of stability and Party unity, the seven emphasized to those in attendance how critical it was for recalcitrant local leaders to participate wholeheartedly in an accelerated drive against Falungong.

Preoccupation with stability was also evident at the 2001 National People's Congress (NPC) meeting in March with almost every speaker stressing its importance for China's development, and with many pointing out what they saw as Falungong's destabilizing effects and its collusion with China's alleged internal and

³¹³ Vivien Pik-kwan Chan, "China's Leadership Pushes for Unity," *New York Times*, March 9, 2001; "New phase in fight against sect," *South China Morning Post*, February 13, 2001.

external enemies.³¹⁴ Premier Zhu's "Report on the Outline of the 10th Five-Year Plan for National Economic and Social Development" addressed social stability and Falungong in the same paragraph:

We need to improve public order through comprehensive measures and crack down on criminal activities that pose a threat to social order and national security. We must crack down according to law on ethnic separatist activities, religious extremist forces, violent and terrorist activities, cults, and illegal activities carried out under the guise of religion. We need to continue our campaign against the Falungong cult, and further expose and condemn its antihuman, antisocial and anti-science nature, and its reactionary feature of letting itself become a tool used by domestic and overseas hostile forces to oppose our socialist government. We need to mete out severe punishment in accordance with the law to the small number of criminals while making unremitting efforts to unite, educate and rescue the vast majority of people who have been taken in.³¹⁵

President Jiang, discussing Falungong in general and Hong Kong in particular, said: "I have to make it very clear the Falun Gong is an evil cult... Stability is overriding. Any countries or societies will have no prospects if they have no stability. Only stability will make the economy develop and prosper."³¹⁶ The message was clear: Falungong membership impedes China's growth and modernization; patriotic Chinese will avoid any and all ties to the organization and will assist in its demise.

There is considerable evidence that China's leaders were genuinely concerned with stability and feared that more and more urban disaffected might join an already large and highly organized movement whose political motives were unclear. By

³¹⁴ "China Opens Annual Legislative Session, Falun Gong Attacked," Agence France-Presse, March 3, 2001; "Falun Gong ban attacked," *South China Morning Post*, March 3, 2001; "Li Peng Says China to Continue Work Against Abuse of Power, Falungong," FBIS, March 9, 2001, from Xinhua, March 9, 2001; Vivien Pik-kwan Chan, "Law chiefs get tough on state graft," *South China Morning Post*, March 11, 2001.

³¹⁵ "Report on the Outline of the 10th Five-Year Plan for National Economic and Social Development," Xinhua, March 16, 2001, in "Comparison -- Full Text of Zhu Rongji's 10th Five-Year Plan Report," FBIS, March 16, 2001.

³¹⁶ "President Jiang Zemin said yesterday Beijing would leave dealing..." *South China Morning Post*, March 6, 2001.

1999, when Falungong members appeared en masse outside Zhongnanhai, the dismantling of state-owned enterprises had fueled untold numbers of protests, some violent, by the unemployed and by forcibly retired workers who were receiving neither back wages nor full pensions.³¹⁷ Farmers, the poorest group in China, were facing new barriers in their efforts to supplant falling farm incomes through temporary work in urban areas.³¹⁸ In their home villages, faced with exorbitant and illegal fees which the government repeatedly promised but then failed to rectify,

³¹⁷ “AFP Reports on Worker Discontent in China’s Shandong, Sichuan, Shaanxi,” FBIS, April 3, 2001, from Agence France-Presse, April 2, 2001; “Workers Block Roads in Protest Over Unpaid Benefits,” Agence France-Presse, March 26, 2001; “Thousands of Chinese Miners Clash With Police Over Layoffs,” Agence France-Presse, March 9, 2001; “Farmers Recruit Urban Laborers,” FBIS, March 1, 2001, from Xinhua, February 28, 2001; “Workers Block Railway Over Pay,” Reuters, December 5, 2000; “Angry Workers Besiege City Hall,” Reuters, May 17, 2000. The Ministry of Labor and Social Security admitted on April 30, 2001, that the “reemployment rate for retrenched workers in China hit a historic low in the first quarter of the year.” See “What’s News,” *South China Morning Post*, <http://www.scmp.com/>, May 2, 2001, from China Central TV. To further complicate the employment picture, some three million laid-off workers reclassified as unemployed in June 2001 had their monthly stipends reduced. In August, Xinhua reported that job searches were becoming more competitive with 2.2 million people registered at employment centers and only 1.54 million jobs available. See “What’s News,” *South China Morning News*, <http://www.scmp.com/>, August 24, 2001, from Xinhua; Vivien Pik-kwan Chan, “Looming danger of the ‘newly’ jobless,” *South China Morning Post*, June 5, 2001; “China’s Premier Zhu says reforms to slow,” Reuters, June 8, 2001; Clara Li, “More jobs lost than created, says expert,” *South China Morning Post*, June 29, 2001. Endemic corruption, benefiting officials and enterprise managers at the expense of rank-and-file workers, continued to be another destabilizing factor. See Chan, “Law chiefs get tough...,” *South China Morning Post*; Mark O’Neill, “Dismal story of Hua Lu’s asset-stripping finally revealed,” *South China Morning Post*, April 16, 2001.

³¹⁸ “Major Event Affecting General Situation of National Economy,” *People’s Daily*, *Online*, http://english.peopledaily.com.cn/200103/23/eng20010323_65808.html, March 23, 2001; “Wen Jiabao On Importance of Lightening Peasant Burdens,” FBIS, September 29, 2000, from Xinhua, September 27, 2000; “UN says graft foils eradication of poverty,” Reuters, April 7, 2000; “China Fails to Raise Farmers’ Incomes Threatening Stability,” Agence France-Presse, July 18, 2001.

they persistently expressed their dissatisfaction, sometimes violently.³¹⁹ Projections that conditions would worsen for both workers and farmers once China joined the World Trade Organization added to official unease that larger, better organized protests across provincial lines might occur.³²⁰

Political and religious dissidents, with overseas ties and some degree of organization, also remained a source of official disquiet, adding to the worry that increased population mobility, job flexibility, and advances in communications technology could make it easier for formerly disparate groups with similar grievances to join together in protest.

Given the potential for more, bigger, and better organized protests, China's leadership undoubtedly was concerned with the reliability of its security apparatus. Falungong's April 25, 1999 Zhongnanhai demonstration, coming as it did with no advanced warning to China's top leadership, likely fueled that anxiety. Although no figures have ever become available, it is believed that significant numbers of police and army officers were practitioners. The supposition is supported by Falungong's daring to mount so large a demonstration, daring to choose a time so close to the tenth anniversary of the June 4, 1989 massacre in Beijing, and daring to choose Zhongnanhai, the most sensitive site in Beijing.

Despite the factors described above, not all China's leaders opted to eradicate Falungong. Some preferred to implement a program of co-optation that would bring Falungong under strict bureaucratic control analogous to the way China treats religious believers and institutions. Many enterprise managers and bureau chiefs reportedly were less than enthusiastic about the crackdown. So long as followers were willing to go about their practice quietly, the responsible authorities in many

³¹⁹ "Cadres strike hard at peasants' pockets," Associated Press, June 5, 2001; "Ringleaders jailed over riot against levy," Agence France-Presse, June 14, 2001; "Tax increase stirs banana farmers' fury," *South China Morning Post*, November 16, 2000; "20,000 farmers riot over taxes," *South China Morning Post*, August 30, 2000; Jasper Becker, "Hidden rural income crisis set to strike home, experts warn," *South China Morning Post*, June 30, 2001; "Seven Types of Actions Involving Agricultural Prices and the Collection of Fees Specified as Illegal," Xinhua, July 14, 2001, in "7 Types of Illegal Agri-Related Fees To Be Cleaned Up in 2d Half of 2001," FBIS, July 17, 2001; Daniel Kwan, "Premier's rural tax experiment falters," *South China Morning Post*, July 23, 2001; "Chinese Premier Urges Steady Progress on Rural Tax Reform," *People's Daily Online*, http://english.peopledaily.com.cn/20017/23/eng20020723_75575.html, July 23, 2001; "China's Premier Zhu says..." Reuters, June 8, 2001.

³²⁰ "China's Farmers to Feel Full Force of WTO Entry," Reuters, August 7, 2001.

of these units were satisfied with pro forma recantations and ready to look the other way when practice continued.

President Jiang Zemin apparently thought otherwise. He treated the April 25 protest as if it were a personal political insult as well as a threat to social stability. By insisting on harsh repression, Jiang could accomplish two ends: demonstrate his ability to bend the Party to his will and eliminate what he considered a potential threat to his rule and his legacy.³²¹ But he had to move quickly. Only three-and-a-half years would separate the Zhongnanhai event and the Party Congress in 2002, and political jockeying would begin long before the meeting itself.

Many commentators have suggested that if after his retirement Jiang were to succeed in retaining behind the scenes power and realizing his hoped-for place in history, he would have to ensure the Party remained strong and recovered ideological legitimacy.³²² Leftist elements in the Party, which had never been enthusiastic about economic, much less political reform, were seeking to derail Jiang's plans and sideline his proteges. Should the economy falter, social order deteriorate badly, or China's rise to global prominence slow, Jiang would be held personally responsible, and he likely concluded he could not afford to risk a vibrant Falungong, whose leadership had at one time allied itself with conservative forces, whose membership had not benefitted from economic reform, and whose ultimate goals were obscure.

It is less clear why Jiang did not opt for a policy of aggressive co-optation of Falungong, such as the leadership had used with relative success against established religions. Several factors most probably played a role. For one, a policy of co-

³²¹ Mary Kwang, "A tough stand to show tough hand," *Straits Times*, July 24, 1999; Susan V. Lawrence, "China -- Jiang's Two Faces: Who is China's president? For all Jiang's courage in securing the WTO deal, his handling of Falun Gong suggests fear is getting the better of his appetite for political reform," *Far Eastern Economic Review*, December 2, 1999; John Pomfret, "Cracks in China's Crackdown; Falun Gong Campaign Exposes Leadership Woes," *Washington Post*, November 11, 1999.

³²² "Jiang sets stage for eminence grise role," *Yomiuri Shimbun*, October 18, 2001; Ching Cheong, "Jiang's legacy not assured ...yet," *Straits Times*, September 28, 2001; "DATELINE: CHINA: Shades of red," *AsiaWeek*, September 7, 2001; Bruce Gilley, "China -- Jiang's Turn Tempts Fate: The leader of the ruling Communist Party is encountering growing criticism from a revitalized left wing as he moves the party further to the right," *Far Eastern Economic Review*, August 30, 2001; "Beidaihe beach blues," *The Economist*, August 11, 2001; Hugo Restall, "Examining Asia: China's New Leaders," *Asian Wall Street Journal*, August 8, 2001.

optation was risky for reasons related to the size and structure of Falungong, the allies each side could muster, the sophisticated use of mass communications technology available to practitioners, and the almost impossible task of monitoring believers in an era of relaxed restrictions on mobility. In addition, China's leaders had had sufficient experience with campaigns and co-optation programs to judge with some degree of sophistication whether such methodology was likely to succeed.

Co-optation takes time and Jiang did not have much time. The religious policy in place by the end of 2000 had evolved over a period of at least forty years, beginning shortly after the founding of the PRC.³²³ Furthermore, Falungong's decentralized structure combined with one—and only one—inspirational head who was out of reach of Chinese security officials, made a co-optation strategy problematic. For co-optation to work it would have been necessary to identify popular Falungong leaders willing to work within government strictures. There was sufficient factionalism among religious leaders to make such a strategy tenable. Some Protestant leaders, for example, wanted to distance themselves from evangelical Christians who regularly defied China's religious regulations, and willingly cooperated with the government. Falungong did not have comparable doctrinal schisms.

Furthermore, the seemingly sudden emergence of Falungong and the outpouring of followers on April 25 contributed to the perception that its threat to stability and to the CCP was immediate. Falungong's essentially Chinese character, unlike that of Western religions, and qigong's nationwide popularity had contributed to extraordinary growth over a short period of time and there was reason to believe the movement would continue to attract followers. To meet the immediate threat and forestall still more growth, the central leadership determined on what was in essence a short-cut, a reversion to a campaign similar in some ways to the Cultural Revolution.

Finally, the intensity of the crackdown was fueled by miscalculations on both sides. At first, the Chinese leadership failed to grasp Falungong's organizational depth, its practitioners' devotion, and the imagination and resourcefulness of followers inside and outside China dedicated to keeping the movement alive. Nor did the Chinese leadership fully understand that, with the modern communications available to them, Falungong's leaders could turn victims of Chinese abuse into instant and inspirational martyrs to followers within China who might have turned instead to other exercise-meditation regimes. Once the decision to fully dismantle Falungong was made, the Chinese leadership could not reverse course without damage to its collective image. By not wavering, Falungong's leaders pushed

³²³ See Chapter 2, "Freedom of Belief in China."

Beijing into an ever-harsher campaign that might have backfired for the government had it not been for the suicides in Tiananmen Square on January 23, 2001.

Those deaths may have indirectly reflected Li Hongzhi's own miscalculation. His repeated warnings, one as recent as August 16, 2001, that practitioners who do not sufficiently "safeguard" Falungong will fail to reach "consummation," and his exhortations to them to do more even at the risk of increased hardship, were prone to misinterpretation.³²⁴ An earlier message entitled "Beyond the Limits of Forbearance," coming several weeks before the suicides and mentioning disciples' "need to let go of all attachments amidst ordinary humans" may also have been misunderstood.³²⁵

The spectacle on Chinese television of a young girl burning gave China's leaders "proof" they could offer to the public and to recalcitrant officials that Falungong, as they had said all along, was an extreme danger to public order, health, and morals and had to be rooted out once and for all. At this writing, the government was on the offensive and there was increasing evidence that Falungong's moral suasion was losing its effectiveness against China's determined campaign.

A "rule of law" veneer

In contrast to earlier campaign-style crackdowns, Chinese leaders have justified their campaign against Falungong by citing their determination to advance the "rule of law" in China and to strengthen the Chinese system of "socialist democracy."³²⁶

³²⁴ "Master Li's New Article: Dafa Disciples in the Fa-Rectification Period," Falun Dafa Clearwisdom.net, <http://www.clearwisdom.net/emh/articles/2001/8/16/12965.html>.

³²⁵ "Beyond the Limits of Forbearance," Falun Dafa Clearwisdom.net, <http://www.clearwisdom.net/emh/articles/2001/1/2/6668.html>.

³²⁶ "China: Cult ban in line with Democracy," World Reporter (TM) - Asia Intelligence Wire, from *China Daily*, November 24, 1999. See also "Highlight Rule of Law and Punish Cult: People's Daily," Xinhua, source: World Reporter (TM), October 30, 1999. A March 1999 amendment to the Chinese constitution stipulated, "The People's Republic of China shall be governed according to law and shall be built into a socialist country based on the rule of law." "Text of PRC Constitution Amendment," FBIS, March 16, 1999, from Xinhua, March 16, 1999.

It is important to note that the Chinese phrase, *yifazhiguo*, is variously rendered as "rule of law," "rule by law," and "according to law." Furthermore, the term's meaning varies with the speaker. Thus, it is important to look at what is actually happening under an *yifazhiguo* rubric. The term can refer to a system

Between August 3-11, 1999, two to three weeks after Falungong was banned, Chinese media published a series of comments characterizing the campaign as “a struggle between rule by law and anti-rule by law” and expressing the opinion that the struggle had to be handled “according to law”³²⁷ Articles in Xinhua and *People’s Daily* described in great detail the constitutional provisions and laws and regulations Falungong had failed to uphold. (See Appendix I-II.)

As a Xinhua commentator noted:

The constitution and laws of our country have explicitly stipulated that the state must strengthen the building of socialist spiritual civilization and oppose capitalist, feudal and other decadent ideologies. Citizens must observe public order and social ethics. Any action of undermining and disrupting social order must be banned. However, Li Hongzhi has disregarded the basic principles and stipulations of our constitution and laws by concocting the so-called Falun Dafa, establishing an illegal organization, and wantonly propagating feudal, superstitious and anti-scientific false reasoning and heretical ideas. He has brazenly formed an illegal association, assembled a crowd to make trouble, and illegally sold books and journals, audio-visual products and other propaganda publications, which propagate the Falun Dafa, to seek exorbitant profits, harm people's health, and severely disrupt social order. All these have constituted a heinous crime. Therefore, our struggle against Li Hongzhi and the Falun Gong organization manipulated by him is not only a serious ideological and political struggle, but also a struggle between rule by law and anti-rule by law.

where law becomes a tool of governance (commonly referred to as rule by law), or to a system in which government is held equally accountable for its actions and which incorporates respect for internationally recognized human rights (rule of law). Evidence from the crackdown against Falungong indicates that Chinese officials are using it in the former sense.

³²⁷ “Applying Law as Weapon to Win Victory in Struggle Against Falungong,” Xinhua, August 3, 1999 in World News Connection, August 3, 1999, source: World Reporter (TM); “The Socialist Legal System is Sacred and Inviolable -- On the Illegality of the ‘Falun Gong’ Organization and its...” Legal Science Subgroup of the Chinese Academy of Social Science Comprehensive Research Group on the “Falun Gong” Phenomenon, *Renmin Ribao*, in “Renmin Ribao Lists Falun Gong Illegality,” World News Connection, August 11, 1999, source: World Reporter (TM); “Cass Official Xia Yong On Falungong, Rule of Law,” World News Connection, August 3, 1999, source: World Reporter (TM).

We not only must ideologically understand the illegal nature of the Falun Gong, but also take legal measures to resolutely punish the crimes of Li Hongzhi and his illegal Falun Gong organization. We must apply laws as weapons to win a victory [in] the struggle against the Falun Gong.³²⁸

Officials emphasized that Falungong followers were punished not for being practitioners, but for violating Chinese law. Some of the laws and regulations used against Falungong were in place when the crackdown began; some were newly enacted or reinterpreted and applied *ex post facto*. Some new legal standards were specifically directed at Falungong; others, in particular new restrictions on Internet usage, could profitably be used to curb Falungong's communications network even though they were designed with a larger target population in mind.

Human Rights Watch and other commentators have criticized China's judicial system as being driven by the aims of the ruling party, for failing to uphold international legal standards and applying new laws *ex post facto*, for standards that are so broad and vague that they invite arbitrary application, and for its administrative and inherently arbitrary system of reeducation through labor, used extensively to hold Falungong practitioners. In many respects, the government's tactics are strikingly similar to the various extrajudicial campaigns the Chinese Communist Party previously waged against "traitors," "counterrevolutionaries," "imperialists," "rightists" and landlords, among others. Coerced confessions under torture, insistence on recantations (reminiscent of earlier "criticism-self-criticism" sessions), and use of those who recant to "break" others, often leaves those who "broke" with an investment in upholding the government's version of Falungong as an evil cult.

Thus, China's legal system is best characterized as "rule by law," in which law is a malleable weapon against individuals whose opinions China's leadership dislikes or organizations it wants destroyed, rather than "rule of law," in which law is supreme and the leadership accountable to it. By altering laws and creating new laws with the expressed intention of dismantling Falungong, the Chinese leadership has succeeded only in undermining its claim that the judicial system is rooted in a "rule of law" principle. Interpretations of rights guaranteed in China's constitution, freedom of speech, press, assembly, association, procession and demonstration (article 35), and freedom of religious belief (article 36), are subject to situationally-based interpretations rather than being rooted in a body of principles. Their application is politically driven. There is, for example, a set of regulations requiring

³²⁸ Xinhua, "Applying Law as Weapon to Win Victory in Struggle Against Falungong," in World News Connection, August 3, 1999.

that a social organization register in order to be legal. But Chinese officials may deny registration because the organization's purpose is to expose a social problem, for example, environmental degradation, to a greater extent than the government considers desirable; because the organization espouses a principle, such as establishment of a two-party system, which the Communist Party rejects;³²⁹ or, as in the case of Falungong, because it legitimizes an organization the government fears.

If at the start of the crackdown against Falungong, China's leadership wanted only to punish public order infractions, shut down dangerous health practices, or stop fraud or subversion, there was an extant body of Chinese law available to deal with these offenses. But that was evidently not the leaders' intent. The means they used show instead that they wanted to thoroughly discredit Falungong in the process of dismantling it and that they employed rule of law and justice rationales as a cover and as an excuse.

³²⁹ "Chinese authorities will not permit opposition parties: Li Peng," Agence France-Presse, December 1, 1998.

VIII. CONCLUSION

By September 2001, the Falungong movement in China, with rare exceptions, had been forced underground. Protests in Beijing had all but ceased after the self-immolation incident in Tiananmen Square in January, 2001. The few practitioners who dared demonstrate on the second anniversary of the April 25, 1999 gathering outside Zhongnanhai were immediately and roughly apprehended by security officials.

What news of the government's crackdown surfaced came through Falungong spokespersons in New York in the form of new issues of the China Crisis News Bulletin, press releases, and handouts.³³⁰ Many of the releases highlighted the alleged beatings, torture, and deaths of practitioners in custody and reported on followers who could not be located.³³¹

At the same time, the publicity releases drew attention to Falungong members' activities in the U.S., Europe, Australia, Canada, Hong Kong, Taiwan, and Macao aimed at keeping the movement alive. Several followers undertook a walk across the U.S.³³² Others, in Taiwan, initiated a letter writing campaign to human rights organizations to draw attention to the repression in the mainland. Members individually and in concert with others staged hunger strikes on behalf of groups of prisoners or specific individuals.³³³ Practitioners in Macao and Hong Kong were detained, albeit briefly, for demonstrating outside designated areas.³³⁴ The Falun

³³⁰ See for example, "China Crisis News Bulletin #93," September 6, 2001. Featured articles included: "French Family Out Of Chinese Labor Camp, But Free?"; "Reported Falun Gong Sentences 'Disturbing' to U.S."; "Recent Arrests in Hong Kong and Macau." See also "Forbearance, A Reader on Falun Gong and the Crisis in China," Summer-Fall 2001, four-page newspaper-style handout distributed in Chinese communities in New York. The front page featured "Walking to Rescue Lives," "China's Darkest Hour," and "Falun Dafa, the Wisdom of Ancient China: Health Benefits, Anti-Aging Effects, and More."

³³¹ "Five Female Falun Gong Practitioners Murdered in Custody," press release, Falun Dafa Information Center, August 30, 2001; "2 Falun Gong Members Die in Custody," Associated Press, August 31, 2001.

³³² "Handful of Falun Gong followers walk across U.S.," Reuters, September 7, 2001.

³³³ "Two U. Texas students fast in support of Chinese protestors," *Daily Texan*, August 30, 2001; "Falun Gong Hunger Strike Enters Eleventh Day," Media Advisory, Falun Dafa Information Center, August 28, 2001.

³³⁴ Harald Bruning, "Four Practitioners held over Macau protests," *South China Morning Post*, September 3, 2001; "Pushing limits of the law," *South China Morning Post*, September 1, 2001.

Dafa Information Center, announcing a campaign to prosecute Chinese officials who had taken part in the repression, asked for corroborating accounts, public records, data on foreign assets, and the plans and itineraries of officials expected to travel abroad.³³⁵ In advance of President Bush's October 2001 trip to China, the organization launched a campaign to free U.S. permanent resident Teng Chunyan, sentenced to a three-year term in December 2000.³³⁶ Falungong spokespersons arranged for journalists to interview former prisoners or members of prisoners' families.

Although by April it already appeared as if Falungong no longer represented the political threat that the Chinese government once insisted it had, Chinese pressure was relentless, with reports indicating that, if anything, the systematic physical and psychological abuse of practitioners had become worse.³³⁷ In addition, Chinese authorities continued to confiscate Falungong materials, netting over 770,000 publications in a three-month sweep.³³⁸ Chinese media continued to feature stories of recantations, alleged suicides of practitioners, the benign treatment afforded followers in "bright, cheerful" reeducation camps, and the support the eradication campaign garnered from a variety of Chinese constituencies.³³⁹

³³⁵ "Falun Gong to Seek Legal Retribution for Chinese Persecution," press release, Falun Dafa Information Center, September 4, 2001. The Center, located in New York, is an arm of Falungong responsible for spreading word of the continuing crackdown in China and Falungong's efforts to combat it.

³³⁶ "Falun Gong asks Bush to plead follower's case," Reuters, September 8, 2001; "Falun Gong calls for release of U.S.-based doctor," Reuters, August 14, 2001.

³³⁷ John Pomfret and Philip Pan, "Torture Is Breaking Falun Gong, China Systematically Eradicating Group," *Washington Post*, August 5, 2001.

³³⁸ "What's News," *South China Morning Post*, <http://columns.scmp.com/whats/ZZZH2ILUPGC.html>, April 17, 2001, from the *Guangming Daily*.

³³⁹ "Another Falun Gong Practitioner Commits Suicide," *People's Daily*, http://english.peopledaily.com.cn/200109/05/eng20010905_79413.html, September, 5, 2001; "China Rejects Report of Hunger Strike by Jailed Falun Gong Members," Agence France-Presse, August 30, 2001; "Renmin Ribao Commentator: 'Falungong' Heretical Teaching is Harmful to Health and Life," Xinhua, April 26, 2001, in FBIS, "Chinese Falungong is Harmful to People's Health and Life," April 27, 2001; "People's Daily Commentary of Falun Gong," <http://english.peopledaily.com.cn/200104/18/eng20010418-67941.html>, April 19, 2001; "32 Detained in Falun Gong Protests," Associated Press, April 25, 2001; "Falun Gong Scourges Mind, Body," *People's Daily Online*,

The internal propaganda campaign notwithstanding, Chinese officials continued to violate rights to freedom of association, assembly, expression, and belief; freedom from torture, ill-treatment, and arbitrary detention; and the right to due process and a fair trial.

<http://english.peopledaily.com.cn/200104/27/eng20010427-68753.html>, April 27, 2001; "China Police Official Confirms 2 Falungong Members Jump to Deaths in Raid," FBIS, April 30, 2001, source Agence France-Presse, April 27, 2001; "China Sentences Two Sect Members," Associated Press, April 30, 2001; "Sichuan Commends Advanced Collectives, Individuals in Struggle Against 'Falungong' Cult," *Sichuan Ribao* (Internet Version-WWW), March 29, 2001, in FBIS, "Sichuan Commends Groups in Struggle Against Falungong," April 16, 2001; "First Phase of In-Depth Education Study Class, Run by Central Government Organs, Ends; 25 'Falungong' Practitioners Who Have Been Reformed Through Persuasion Will Return to Society," Xinhua, April 25, 2001, in FBIS, "25 Former Falungong To Return to Society After Education," April 27, 2001.

APPENDIX I: REEDUCATION THROUGH LABOR IN CHINA ³⁴⁰

As detailed above reeducation through labor has been used extensively to imprison Falungong practitioners.

Reeducation through labor (*laodong jiaoyang* or *laojiao*), according to the Ministry of Public Security, is an administrative measure of reform through compulsory education designed to change offenders into people who “obey law, respect public virtue, love their country, love hard work, and possess certain standards of education and productive skills for the building of socialism.” The term refers to a system of detention and punishment administratively imposed on those who are deemed to have committed minor offenses but are not legally considered criminals. Reeducation through labor—sometimes labeled rehabilitation through labor—is not to be confused with reform through labor (*laodong gaizao* or *laogai*), the complex of prisons, labor camps, and labor farms for those sentenced judicially.

There are five major problems with reeducation through labor: the lack of any kind of procedural restraints, the use of reeducation to incarcerate political and religious dissidents, the problems of appeal; the conditions in the camps, and the system of “retention for in-camp employment” that permits authorities to keep prisoners in the camps after the expiration of their sentences.

Statistics are difficult to come by, but according to a report by the U.N.'s Working Group on Arbitrary Detention dated December 22, 1997, published after the Working Group's trip to China earlier that year, there were 230,000 persons in 280 reeducation through labor centers around the country. The figure represented a more than 50 percent increase over four years. At the end 1993, those held in reeducation through labor camps totaled 150,000.

Reeducation Through Labor Management Committees, composed of officials from the civil affairs, public security, and labor departments, are responsible for directing and administering the work of reeducation through labor and for examining and approving those who are in need of reeducation. The committees operate in provinces, autonomous regions and municipalities directly under the central government, as well as in large and medium sized cities. Different agencies and individuals, from parents to employers to the police, can recommend to the committees, through a petition process, that offenders be sent for reeducation. Public security organs are in charge of the actual labor camps, and the “people's procuratorates” supervise the activities of all agencies involved in the reeducation process.

The usual procedure is for the police acting on their own to determine a

³⁴⁰ <http://www.hrw.org/campaigns/china-98/laojiao.htm>, June 1998.

reeducation term. Sentences run from one to three years' confinement in a camp or farm, often longer than for similar criminal offenses. A term can be extended for a fourth year if, in the prison authorities' judgment, the recipient has not been sufficiently reeducated, fails to admit guilt, or violates camp discipline.

The recipient of a reeducation through labor sentence has no right to a hearing, no right to counsel, and no right to any kind of judicial determination of his case. Decisions are often hastily made. Liu Xiaobo, a renowned literary critic and former professor of Chinese literature who helped negotiate the safe departure of students from Tiananmen Square on June 4, 1989, was seized at his home on October 7, 1996 and administratively sentenced to a three-year reeducation term the following day.

Article 10 of a 1982 government document entitled Trial Implementation Methods lists the "categories of persons" to be "taken in for reeducation through labor." Several of the categories and terms are vague. All the offenses described can be judicially prosecuted if sufficiently serious, but no specific distinction between those acts deemed minor and those which can be "pursued for criminal responsibility" has ever been made. The first category listed refers to "counterrevolutionary elements" and those who are against the Communist Party and socialism. Often such dissidents are held on trumped-up charges such as "hooliganism" or "disturbing the social order." Other categories include "those who associate with groups which have committed murder, robbery, rape, arson, etc."; migrants, prostitutes, and those who steal or cheat but who refuse to reform; gang members who "disturb the public order"; those who refuse to work or hinder production; and those who instigate others to commit crimes. Those not eligible for reeducation include mental patients, the blind, the deaf and mute, the retarded, the severely ill, those who cannot take part in labor, and pregnant women or those whose children are not yet one-year old and are being breast fed. Bishop Zeng Jingmu, the seventy-eight-year-old Catholic Bishop of Yujiang diocese, Jiangxi province, was sentenced to a three-year reeducation through labor term on March 18, 1996 for "violating administrative norms," and for "irresponsibly organizing illegal meetings," that is religious assemblies and masses not sanctioned by the government's official Chinese Catholic Church. Too old to work like other prisoners, he was held in a facility housing detainees awaiting sentencing until his release in May 1998.

The 1990 Administrative Procedure Law provides for challenges to reeducation through labor decisions by appeal to the people's court. The court has the power to order a person's release, but apparently the number of cases overturned on appeal is minuscule; and there is some evidence that a challenge may be regarded as evidence of a person's lack of amenability to reeducation. Liu Xiaobo, for example, spent five months in a reeducation camp before his appeal was even heard and denied. Liu Nianchun, a veteran labor activist who received a three-year

reeducation sentence for his participation in a petition campaign at the time of the sixth anniversary of June 4, 1989, finally had an appeal heard sixteen months after he had first “disappeared.” He was permitted to meet with his lawyer once, just a few hours before the hearing; his relatives were effectively barred.

In theory, reeducation camps and reform through labor camps are significantly different. Those in reeducation are paid for their work but they must supply their own clothing and bedding. Part of an inmate’s income may be used for support of his or her dependents or reserved for personal use after release. Inmates are to work no more than six hours a day and study no more than three, and they are entitled to eight hours’ sleep each night and rest on Sundays and during festivals. Regulations provide for “awards for achievement and punishment for...wrong doings. The reward should be big and the punishment should be light.” If the appropriate labor management committee approves, terms can be shortened by as much as 50 percent; on the other hand terms, as noted, can be extended for up to one year.

A detainee with a good record after half a year theoretically may go home at his or her own expense during festivals or under special circumstances. Those who are very ill can be released for treatment but must bear the costs unless the illness or injury is work related. In several cases, “medical parole” even for very sick prisoners has been denied. Once recovered they must complete their terms.

In practice, reeducation camp conditions are harsh and the work load heavy. Inmates work in mines and brick factories, for example, and do heavy agricultural labor. The People’s Armed Police guard reeducation inmates just as they guard those who have been judicially convicted.

According to the regulations, the correspondence of those held for reeducation is not subject to examination, and guards may not listen to conversations between inmates and visitors. However nothing in the regulations provides for regular visits and cases are known in which visitation rights have been suspended for months on end. A Shanghai dissident, Bao Ge, for example, was permitted only one family visit during his three-year term because he refused to confess his “crimes.” He was also denied permission to attend his father’s funeral even though he had not violated prison regulations. Another Shanghai dissident, Yao Zhenxiang, was able to see his wife only once in twenty-two months.

The Trial Implementation Methods limit to ten days the amount of time those in reeducation who “carry out a violent act, instigate troubles or commit other dangerous acts” may be locked up. Punishment instruments can only be used if application to do so has been approved, and then only for serious cases and only for seven days. Handcuffing behind the back and shackles are officially prohibited as are beating, corporal punishment, and torture. As the case of dissident Chen Longde shows, practice is different. On August 17, 1996, shortly after his conviction to a three-year reeducation sentence, Chen leapt from a two-story walkway at Luoshen Labor Camp in an attempt to avoid repeated beatings and electric shocks from a

senior prison official as punishment for his refusal to write a statement of guilt and self-criticism. The official had promised other prisoners reduced sentences if they too beat Chen. Suffering from two broken hips, a broken leg, and facial injuries, Chen was moved to a police hospital where he spent months lying flat on his back unable to move. On December 1, 1996, he was returned to prison still suffering from his injuries which included kidney damage related to the beatings. Reportedly, even though he had great difficulty walking, he was made to put in the required work hours at tasks he could do while sitting. Tong Yi, secretary to leading dissident Wei Jingsheng, was beaten for refusal to put in sixteen-hour days; Yao Zhenxiang was beaten beyond recognition; and Zhang Lin, an Anhui labor activist, sentenced on the trumped-up charge of never having registered his marriage, also was repeatedly beaten.

“Retention for in-camp employment” refers to a system which is used to prevent some inmates who have completed reeducation terms from returning home. Among those who can be retained are former inmates who have served two terms and those whose reeducation sentences have been extended. If after three years, such persons are judged to have truly reformed, they may return home; if not they may be held indefinitely. In some instances, those who have completed judicial sentences are immediately sentenced to reeducation terms for what is deemed unsatisfactory behavior in prison. Such people are sometimes subject to indefinite retention.

Within the legal community in China, reeducation through labor is controversial. Its revision or elimination was under discussion before March 1996 when the National People's Congress (China's legislature) approved major revisions to the Criminal Procedure Law which took effect on January 1, 1997. However, an article in the September 30, 1997 *Legal Daily (Fazhi Ribao)*, an official newspaper, defended the practice as a way to “maintain social peace and prevent and reduce crime.” It likened the practice as similar to the way parents treat their children, doctors their patients and teachers their students, and called for strengthening the system. It recommended further definition of the system's legal status and its relationship to other laws, standardization of screening and approval procedures, and improved mechanisms of reeducation.

The legislation applicable to reeducation through labor dates back to 1957; the last set of regulations, the Ministry of Justice's Detailed Regulations on the Administration of Reeducation Through Labor, date from 1992. The three that preceded it and are still applicable in whole or part are: Decision of the State Council Regarding the Question of Reeducation Through Labor, approved by the Standing Committee of the National People's Congress, August 1, 1957; Supplementary Provisions of the State Council on Reeducation through Labor, approved by the Standing Committee of the National People's Congress, November 29, 1979; and Trial Implementation Methods for Reeducation through Labor,

adopted January 21, 1982. The 1957 Decision is still the fundamental law authorizing reeducation through labor.

Reeducation through labor sanctions violate international human rights standards relating to arbitrary arrest and detention. Article 9 (4.) of the International Covenant on Civil and Political Rights (ICCPR) provides that “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention...” The reeducation process is arbitrary. It removes the presumption of innocence, involves no judicial officer, provides for no public trial, makes no provision for defense against the charges, and provides for no effective appeal.

APPENDIX II: LAWS AND REGULATIONS USED TO CRACK DOWN ON FALUNGONG

This appendix provides a list of the laws and regulations most often used by the Chinese government in its effort to eradicate Falungong. Note that many of these laws were not developed to repress Falungong but are part of a broader system of social control in China.

Social Organizations Regulations

When the Ministry of Civil Affairs banned Falungong on July 22, 1999, it listed six reasons for doing so. Only one was narrowly framed, that Falungong was not registered “according to law” as stipulated in the “Regulations on the Registration and Management of Social Organizations” (hereafter Social Organizations Regulations).³⁴¹ Once Falungong was declared illegal, the Ministry of Public Security was in a position to prohibit a whole series of activities that negated the rights of Falungong believers to freely associate, express their views, and manifest their beliefs.

The assertion that Falungong was illegal because it had not registered was disingenuous. As noted in Chapter II above, beginning in 1996, Falungong, or more precisely, the Falun Dafa Research Society, had tried three times to register as a social organization, through the National Minority Affairs Commission, the China Buddhist Federation, and the United Front Work Department.³⁴² All applications were denied.

To be accepted as a social organization, Falungong would have had to circumvent a registration system so skewed that the government could “legally” refuse registration to any organization it chose. Article 4 of the Social Organizations Regulations, particularly its final clauses, lays out the basic problem:

³⁴¹ “Social Organization Registration and Management Regulations,” Xinhua, November 3, 1998, in “China: Regulations on Social Organizations,” FBIS, November 6, 1998. The six reasons listed in the banning notice included: “not registered according to law and has engaged in illegal activities, propagated superstition and fallacies, deluded the people, incited and created disturbances, and disrupted social stability”; “Decision of the Ministry of Civil Affairs of the People’s Republic of China Concerning the Banning of the Research Society of Falun Dafa,” *Chinese Law and Government*, Volume 32, No.5 (issue titled “The Battle Between the Chinese Government and the Falun Gong,” Ming Xia and Shiping Hua, eds.), September-October 1999, pp. 31-32

³⁴² James Tong, “Behind the Falungong Facade: Organizational Structure and Finance,” unpublished article, September 2000 (copy on file at Human Rights Watch).

Social organizations should abide by the Constitution, laws, regulations, and the state's policy. They are not allowed to oppose the basic principles defined by the Constitution; endanger the state's unification and safety and national unity; damage the state's interests, public interests of society, and legal rights and benefits of other organizations and citizens; [or] go against social ethics and habit.

The Regulations violate internationally recognized principles of free association by giving officials broad authority to determine what groups may and may not exist. They open the door to politically motivated crackdowns on unpopular groups or organizations disfavored by the Chinese leadership. China's use of the Regulations to ban Falungong illustrates the shortcomings. First, although there had been complaints about certain Falungong doctrines, there was no move to ban the group until after the mass rally in April 1999, when the organization suddenly acquired a political profile. Second, the claims made by the Chinese government in justifying the ban were not based on rigorous analysis of actual threats, but on unsupported allegations and innuendo.

At the time Falungong was banned, the Ministry of Civil Affairs cited two types of "evidence" to justify its action: one, the danger to the health, mental stability, and economic well being (the costs of purchasing Falungong materials) of individual practitioners; and the other, the costs to society as a whole. The latter were said to include Falungong's habit of "gathering illegally" in such a way that "social production, work and daily life" were seriously impaired, and of disrupting social order through rumor-mongering and factual distortion. According to a subgroup of the Chinese Academy of Social Sciences, social order includes, "order in social enlightenment through education [and] order in social traditions," both of which, it asserted, were seriously violated by Li Hongzhi's position that illness can be cured without recourse to medical treatment.³⁴³

The Chinese government assertion that Falungong poses a threat to practitioners' health lacks a secure basis in fact. In order to support its claims, Chinese officials alleged that some 1,600 Falungong followers died because they took seriously Li Hongzhi's advice that sick people could regain health without medical intervention.³⁴⁴ The cases were never objectively documented, however, and, even if 1,600 practitioners did die after refusing medical treatment, the

³⁴³ "The Socialist Legal System is Sacred..." Legal Science Subgroup of the Chinese Academy of Social Science, in World News Connection, August 11, 1999.

³⁴⁴ "Chinese Ambassador to US: Falungong Trying to Cheat Western Public Opinion," FBIS, July 26, 2001, from Xinhua, July 26, 2001; Xinhua, "Renmin Ribao Commentator: 'Falungong' Heretical Teaching Harmful...", FBIS, April 27, 2001.

inference that any one of them would have lived had he or she done otherwise would require additional proof, which to date has not been proffered. Similar defects characterize Chinese government claims that Falungong leads to psychological disturbances in practitioners.

The charge by Chinese officials that Falungong practice constituted a public order menace also lacked a basis in fact. Prior to the ban, Falungong routines in public parks had been similar to those of other exercise groups. Practice was convivial, low-key, and contained. Furthermore, before and after the crackdown, Falungong protests were peaceful, quiet, and thoroughly disciplined. Even those around government buildings or media outlets did not interfere with work regimes. It was the government's insistence that demonstrations be ended quickly, and the Public Security Bureau's use of force, that turned many protests into public order problems. The claim that "social production, work and daily life" were disrupted is also spurious. Many Falungong followers were workers who had been laid off or had retired, and had plenty of time to practice. Those still working could easily accommodate a Falungong session early in the morning or late in the day. For generations, Chinese workers have risen early or extended their day in order to exercise.

The Assembly Law and Implementing Regulations

Chinese officials were quick to point out that the April 25 protest at Zhongnanhai, which took the city completely by surprise, was *prima facie* evidence of Falungong's failure to comply with Chinese law. Falungong practitioners did not attempt to obtain a permit for the April 25 protest nor did they attempt to do so for many other public actions. The fact that Falungong did not seek a permit is not difficult to explain: the law gives officials all but unbridled discretion to refuse to issue such permits and requests are routinely denied.

The "PRC Law on Assembly, Procession and Demonstration" (hereafter Assembly Law) and the "Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People's Republic of China"³⁴⁵ require that groups apply to the police for permits prior to demonstrations. Permission can be denied if the activity "infringe[s] upon the interests of the state, society and collectives," or would "endanger national unification, sovereignty or

³⁴⁵ "PRC Law on Assemblies, Parades and Demonstration," British Broadcasting Corporation Summary of World Broadcasts, November 2, 1989, from Xinhua, October 31, 1989; "Regulations for the Implementation of the Law of Assembly, Procession and Demonstration of the People's Republic of China," June 1992. Special regulations and stringent penalties are in force at some government sites.

territorial integrity...or there is ample evidence to prove that the assembly, parade or demonstration will directly jeopardize public security or seriously undermine public order.”

According to the Assembly Law, the police may issue a warning or detain violators for up to fifteen days. If the illegal assembly results in a “serious” disruption to public order, those deemed responsible may also receive administrative or criminal punishment as stipulated in the “PRC Regulations on Public Order Control and Punishment” (detailed below) and the “PRC Criminal Law” (also detailed below).³⁴⁶

Beijing city regulations, including the “Regulations of the Beijing People’s Government on the Places and its Surrounding Areas Where Mass Rallies and Demonstrations Are Prohibited” and the “Notice of the Beijing People’s Government” reinforce the Assembly Law by specifically prohibiting rallies in and around Tiananmen Square without the permission of the State Council and the municipal government. In addition, the city regulations prohibit the display or distribution of “propaganda materials” in the affected areas. On November 24, 1999, the Ministry of Public Security issued new public assembly regulations prohibiting gatherings of 200 or more for mass cultural and sporting activities, such as concerts, sports meets, and public exercise sessions such as qiqong practice without explicit police approval.³⁴⁷

Public Order Regulations

Chinese authorities have often cited the “PRC Regulations on Public Order Control and Punishment” (hereafter Public Order Regulations) against Falungong members. The regulations, although not part of the criminal law, provide for up to fifteen days detention and fines of up to 200 *yuan* (approximately U.S.\$25).

The Public Order Regulations are applicable when “acts that disturb social order, jeopardize public security, infringe upon citizens’ rights and violate property owned by the government or individuals...are not punishable according to the PRC Criminal Law.” Authorities have often used the regulations rather than criminal law provisions against rank and file practitioners to show their “generosity” and, thus, refrain from permanently alienating them.

Specific provisions in the regulations which Chinese authorities have repeatedly cited as practitioner offenses include:

³⁴⁶ “Regulations governing public offences,” BBC Summary of World Broadcasts, May 18, 1999, from Xinhua, May 13, 1994; “Text of Criminal Law,” FBIS, March 25, 1997, from Xinhua, March 17, 1997.
³⁴⁷ “China to regulate mass gatherings,” BBC Worldwide Monitoring, November 24, 1999, from Xinhua, November 24, 1999.

- C Article 19 (1) “where an act disturbs order in an organization, group, enterprise or non-profit institution to the extent that work, production, operation, medical treatment, education, or scientific research cannot operate as normal but serious losses have not been incurred”;
- C Article 19 (2) “where it disturbs order at a station, wharf, civil aviation center, market, bazaar, park, cinema, or opera theater, public entertainment center, sports center, exhibition hall, or other public places”;
- C Article 19 (5) “where it involves fabrication or distortion of facts, intentional spreading of rumors, or use of other methods to stir up or disturb public order framing and distorting facts, spreading rumors, or instigating to disrupt social order”;
- C Article 24 (4) “disturbing social order, endangering public interests and harming other people’s physical health or swindling their money or belongings through secret sects or societies, or by means of feudalistic or superstitious customs; but the conduct does not warrant a punishment for criminal offense;
- C Article 24 (6) “violating the regulations for social group registration...”

The regulations designate public security bureaus and sub-bureaus, that is the police, as both sentencing authority and collector of fines. Neither prosecutors nor courts play any role. The implications for corruption are obvious. Fines that are not paid “on the spot” or within five days incur late charges of one to five *yuan* a day. (The maximum comes to less than U.S.\$1.) Refusal to pay a fine incurs additional punishment (Article 36). Some Falungong practitioners detained for failure to pay fines reportedly have been severely beaten and a few are said to have died.³⁴⁸ The regulations require that detainees pay for their own food.

The regulations provide for “appeal” (Article 39) and adjudication within five days from receipt of the petition, but, unless bail is provided, “the original sentence shall be enforced” pending the outcome.

According to the regulations, “A person who commits public security offense...shall be given a heavier punishment: where the offense produces serious consequences; where a person coerces or tricks others, or instigates a person under the age of 18 into violating public security... where a person refuses to mend his

³⁴⁸ Ian Johnson, “Death Trap: How One Chinese City...,” *Wall Street Journal*, December 26, 2000.

ways despite repeated offenses” (Article 17). None of these vague terms—“serious consequences,” “tricks others,” and so on—are further defined in the regulations, opening the door to politically motivated applications. Chinese authorities have often claimed that Falungong practitioners meet all the conditions warranting heavier punishment.

The PRC Criminal Law

Falungong members have been prosecuted under Criminal Law provisions relating to public order, health, fraud, assembly, organizing and utilizing cults, and “fabricating and disseminating superstitious fallacies to hoodwink people.”³⁴⁹ Some of the same offenses may also be classified as non-criminal, thus falling within the purview of administrative procedures such as the above-mentioned Public Order Regulations or the 1992 “Detailed Regulations in the Administration of Reeducation Through Labor” (discussed in Appendix I) under which as many as 10,000 practitioners may have been sentenced to reeducation camps.

Article 300 of China’s Criminal Law provides for prosecution of a person who “organizes and utilizes superstitious sects...or sabotages the implementation of the state’s laws or executive regulations by utilizing superstition.”³⁵⁰ The article is cross-referenced to other provisions in the criminal code which mandate punishments up to and including the death penalty for sect organized activities.³⁵¹

As described in Chapter III above, China’s Supreme People’s Court and

³⁴⁹ “China: Four leading Falun Gong members tried and sentenced,” BBC Worldwide Monitoring, December 28, 1999, from Xinhua, December 27, 1999.

³⁵⁰ Article 300. Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or sabotages the implementation of the state’s laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or cheats others by utilizing superstition, thereby giving rise to the death of people is to be punished in accordance with the previous paragraph.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or has illicit sexual relations with women, defraud money and property by utilizing superstition is to be convicted and punished in accordance with the regulations of articles 236, 266 of the law. (“CHINA: Text of Criminal Law,” FBIS, March 25, 1997, from Xinhua, March 17, 1997.)

³⁵¹ See Articles 300, 232, 234, 236, 266, 290, 293, 296, 103, and 105 of the Criminal Law.

Supreme People's Procuratorate on October 8-9, 1999 promulgated their "Explanations . . . on Applying Specific Laws to Handle Cases of Organizing and Utilizing Heretical Sects to Commit Crimes." This document sets forth a list of activities subject to punishment under Article 300, a list clearly drawn up with prosecution of Falungong practitioners in mind. The list includes:

- C besieging government organs and disrupting their work,
- C holding illegal assemblies,
- C refusing to disband when ordered to do so,
- C publishing cult materials,
- C recruiting trans-regionally,
- C collaborating with overseas organizations and individuals,
- C causing deaths and injuries,
- C spreading superstitious heresies,
- C instigating or coercing suicide or self-mutilation,
- C sexually exploiting women and girls,
- C swindling money or property,
- C splitting the country or overthrowing the socialist system,
- C and the ubiquitous catchall "other activities that undermine the enforcement of state laws or administrative regulations."

On June 11, 2001, guidance on how the Criminal Law should apply to "sects" was taken a step further with the promulgation of a document entitled "Interpretation 'II' . . . on Applying Specific Laws to Handle Cases of Organizing and Utilizing Heretical Sects to Commit Crimes" (hereafter, Interpretation II). Authorities described the document as a necessary response to the self-immolation event in Tiananmen Square in January 2001 and to the Falungong tactical shift that followed.³⁵² In essence, Interpretation II attempted to make certain, through thorough enumeration, that no Falungong activity, no matter how limited or seemingly innocuous, could escape punishment.³⁵³

For example, Interpretation II provides that "those who organize, plot, instigate, incite, and help cult personnel to kill or injure themselves are to be convicted and punished on charges of murder with intent and intent to injure." It also provides that individuals involved in self-immolation attempts should be

³⁵² "Responsible Persons of the Supreme People's Court and Supreme People's Procuratorate Answer Questions by a Xinhua Reporter: Correctly Apply Laws To Crack Down On the Criminal Activities of Cult Organizations," Xinhua, June 10, 2001, in "Responsible Persons of Supreme People's Court and Supreme People's Procuratorate Answer Xinhua Questions on Cracking Down On Cult Organizations," FBIS, June 13, 2001.

³⁵³ Xinhua, "Responsible Persons of the Supreme People's Court....," FBIS, June 13, 2001.

prosecuted on charges of jeopardizing public security. Interpretation II further states that if small assemblies of a banned sect's members make trouble, Article 300 of the Criminal Law is applicable; if the assembly is violent, Article 277 is germane; when state secrets are breached, Articles 111, 282, and 398 are to be invoked. Interpretation II also makes explicit the penalties to be imposed for the manufacture and dissemination of enumerated quantities of "cult propaganda materials" that incite splittism or jeopardize national security," and it specified criminal punishments for small-scale publishing, printing, and distribution activities (see below).

In line with Chinese government efforts to separate "backbone elements" from those who could be "reeducated," Interpretation II provided that courts have the option of imposing lighter penalties than those provided for in the Criminal Law.

State Secrets and State Security Laws

Characterizations of Falungong as organizationally cohesive and in league with hostile forces both inside and outside the country made it possible for the Chinese government to prosecute practitioners under the "PRC Law on Protecting State Secrets" and the "State Security Law of the People's Republic of China." Official reports suggest that authorities used such charges almost exclusively against Falungong practitioners with access to government documents who moved the "stolen" documents through a train of practitioners to recipients outside China. For example, in December 1999, in one of the first Falungong cases that went to trial, four top leaders, Li Chang, Wang Zhiwen, Ji Liewu, and Yao Jie, received sentences ranging between seven and eighteen years in part for possessing and leaking state secrets. According to official media, after Li discovered top secret, secret, and confidential documents related to the government's investigation of Falungong, he and the others openly disseminated the contents to practitioners as a means of inciting them to take part in a show of strength.³⁵⁴ In mid-June 1999, a month before the ban on Falungong, Xu Xinmu, a manager in Hebei province's Bureau of Affairs and Administration, allegedly leaked documents about the government's planned crackdown to followers in the provincial capital and published at least one of the documents on the Internet.³⁵⁵ Zhe Yuefan, who worked

³⁵⁴ "Four Leading Falun Gong members tried and sentenced," BBC Worldwide Monitoring, December 28, 1999, from Xinhua, December 27, 1999; "China: Falun Gong sect accused of disclosing state secrets," BBC Worldwide Monitoring, October 27, 1999, from Xinhua, October 25, 1999.

³⁵⁵ "China: Radio roundup on arrest of Falun Gong members," BBC Worldwide Monitoring, November 7, 1999, from Central People's Broadcasting Station, November 7, 1999; "China Sentences Banned Sect Member to 4 Years in Prison," Dow Jones Newswires, January 4, 2000.

in the Leshan, Sichuan province, auditing bureau, "borrowed" a circular and two appendices about printing and distribution of reference materials relating to Falungong. The document made its way to a Chinese-Australian who disseminated the content widely. According to a television report, "After appraisal, it was determined that the circular is a classified document."³⁵⁶ Many of the documents involved government plans for impending moves against Falungong.

Article 4 of the State Security Law bans acts carried out by organizations and individuals inside China in collusion with or with the support of those outside the country. Such acts include: "plotting to subvert the government, dismember the state and overthrow the socialist system," "stealing, secretly gathering, buying and illegally providing state secrets," and the catch-all "other sabotage activities." The implementing regulations, "Detailed Rules for Implementing the State Security Law of the PRC," additionally list "fabricating or distorting facts, publishing or disseminating written or verbal speeches or producing or propagating audio and visual products which endanger state security"; and "endanger[ing] state security through establishing social organizations."³⁵⁷ Again, the vague terms of the law and implementing regulations invite politically motivated application.

The State Secrets Law begins by defining state secrets vaguely as "matters that involve state security and national interests" (Article 2).³⁵⁸ Although the law specifies a number of categories of offenses, such as breach of national defense that are obviously legitimate, its provisions include open-ended language that could be applied to a vast range of publicly available material or material that is usually not categorized as state secrets, such as "secrets of political parties" (Article 8). Article 4 of the implementing regulations, "Implementing Measures for the PRC Law on Protecting State Secrets," for example, provides that "items whose leakage may have any of the following results shall be classified as State secrets," and includes broadly worded categories of "results" such as harm to State unification, national unity and social stability. The broad reach of the law is further evidenced in Article 40 of the Implementing Regulations which leave interpretation of the law to the

³⁵⁶ "China: Sichuan arrests Falun Gong follower for state secrets leak," BBC Worldwide Monitoring, November 4, 1999, from Sichuan Television, November 3, 1999.

³⁵⁷ State Security Law of the People's Republic of China, Adopted by the National People's Congress Standing Committee, February 22, 1993. See also Article 23; "Detailed Rules for Implementing the State Security Law of the PRC," Xinhua, July 12, 1994, FBIS, July 25, 1994.

³⁵⁸ PRC Law on Protecting State Secrets, in force as of May 1, 1989, <http://www.chinaonline.com/refer/1...secure/2000/February/C00012671.asp>.

State secret departments (Article 40).³⁵⁹ These are “functional organizations of the State Council” (“the highest executive organ of State power, as well as the highest organ of State administration”) at the county level or above which have the responsibility of protecting state secrets within their respective administrative districts (Article 2).

Chinese courts have accused or charged people with “leaking state secrets” even when the information was already known to millions. Examples include sending overseas local newspapers readily available on the streets of China, collecting information from local bookstores for use in academic research, publishing information about official corruption, or even complaining about local corruption to central government officials.

Laws Governing Electronic and Print Media

From the beginning of the crackdown, the courts handed down harsh sentences to Falungong practitioners engaged in large-scale publishing, printing, duplicating, or distribution of the group’s materials. Until June 2001, authorities relied heavily on the 1997 administrative “Regulations on Publishing Administration,” which set forth draconian requirements for application, registration, submission of annual publishing plans, and which included reporting requirements for all would-be publishing industry units.³⁶⁰

Article 5 of the 1997 regulations, used both as a basis for banning Falungong publications and for sentencing purveyors of the publications, requires publishers to observe basic constitutional principles and forbids harm to the state and society. Article 25 specifically prohibits any publication that promotes superstition, subverts “social ethics and the fine cultural traditions of our nation,” or “slander[s]” others, all charges Chinese leaders have repeatedly leveled against Falungong publications. The regulations called for fining perpetrators more than double but less than ten times “the illegally earned incomes.” In “serious” cases, operations may be temporarily halted or shut down permanently. Article 45 provides that, in cases where the publisher’s activities constitute crimes, “criminal responsibility shall be investigated according to the law.”

By mid-2001, with large-scale publication and dissemination effectively shut down, the Supreme Court and Supreme Procuratorate moved, through Interpretation II, to more forcefully control proliferation of small scale duplication and

³⁵⁹ “Implementation Measures for the PRC Law on Protecting State Secrets,” promulgated by the Bureau for the Protection of State Secrets, April 25, 1990, <http://www.chinaonline.com/refer/1...secure/2000/February/C00012672.asp>.

³⁶⁰ “Regulations on Publishing Administration,” Xinhua, January 14, 1997, in “China: State Issues Regulations on Publishing Industry,” FBIS, January 17, 1997.

distribution of materials publicizing “heretical sects.” In response to Falungong activities such as stuffing mailboxes, publicizing the names and phone numbers of especially brutal police officers and prison guards, and specifically targeting President Jiang for criticism in their handouts, Interpretation II stipulated that Article 300 and its criminal sanctions applied to all cases involving distribution of “more than 300 copies of leaflets, pictures, posters and newspapers” or more than one hundred copies of books, CDs, cassettes or video tapes about heretic sects; to the manufacture and distribution of a master DVD, VCR, or CD; to use of Internet sites for the compilation and distribution of information; and to publicity displays in public places including the hanging of scrolls or spraying of slogans.”³⁶¹

Internet Regulations

Falungong followers have made effective use of e-mail and the Internet in sustaining their movement. The Chinese government has responded with an aggressive campaign. According to Falungong practitioners, the government closed down all its websites within China almost immediately after the April 1999 protest and installed filtering devices to block access to overseas Falungong sites. Practitioners outside China who maintained Falungong sites reported repeated cyber attacks.³⁶² By August, 1999, the government had an anti-Falungong website up and running.³⁶³

In October 2000 and again in December 2000, new sets of Internet regulations specifically banned use of the Internet for “evil cult” activities, although a regulation dating back to December 1997 already provided that “No unit or individual may use the Internet to create, replicate, retrieve, or transmit. . . information promoting feudal superstition” (Article 5).³⁶⁴ Then, on February 26,

³⁶¹ “PRC Supreme Court’s Interpretation on Laws Concerning Cult-related Cases,” FBIS, June 10, 2001, from Xinhua, June 10, 2001; Xinhua, “Responsible Persons of the Supreme People’s Court...,” FBIS, June 13, 2001.

³⁶² Jonathan Dube, “China Ate My Web Site: Falun Gong Says Government Hacked Sites,” ABC News.com, August 5, 1999; Oscar S. Cisneros, “ISPs Accuse China of Infowar,” *Wired News*, <http://www.wired.com/news/politics/0,1283,21030,00.html>, July 30, 1999.

³⁶³ Michael Laris, “Beijing Turns the Internet On Its Enemies; Sect Members Abroad Claim State Harassment,” *Washington Post*, August 4, 1999.

³⁶⁴ The October 2000 regulations can be found at “Measures for Managing Internet Information Services,” Xinhua, October 1, 2000, in “China rules on Internet information services,” BBC Monitoring, October 5, 2000. The December 2000 regulations, which provide in relevant part, “Article 15. IIS providers shall not produce, reproduce, release, or disseminate information with the following contents:

2001, a filter to block access to Falungong and other allegedly dangerous sites was released. The software, named Internet Police 110, could be used with home computers, in campus computer centers, and in Internet cafes. It was capable of alerting Internet administrators when illegal surfing occurred.³⁶⁵ Earlier, there had been reports that state security agents had installed monitoring devices on the computers of Internet Service Providers in order to track individual e-mail accounts.³⁶⁶

In recent years, Chinese authorities have issued more than sixty sets of regulations governing the Internet.³⁶⁷ Four regulations are of particular relevance to Falungong practitioners. The October 1, 2000, "Measures for Managing Internet

...(5) Information that undermines the state's policy for religions, or that preaches evil cults or feudalistic and superstitious beliefs..." can be found in "The Decisions of the National People's Congress Standing Committee on Safeguarding Internet Safety," Xinhua, December 28, 2000, in "China issues 'Decisions' on Internet security," BBC Monitoring, January 1, 2001. The 1997 regulations, titled "Computer Information Network and Internet Security, Protection and Management Regulations," were issued by the Ministry of Public Security, December 30, 1997. See also "Telecommunications Regulations of the People's Republic of China," Article 57, effective September 25, 2000; "Freedom of Expression and the Internet in China: A Human Rights Watch Backgrounder," <http://www.hrw.org/backgrounder/asia/china-bck-0701.htm>, August 1, 2001.

³⁶⁵ Raymond Li, "Police release software to block Falun Gong Web sites," *South China Morning Post*, February 6, 2001.

³⁶⁶ Despite these efforts, Falungong has managed to maintain public websites in Asia, Europe, and North and South America, many of them linked. In Asia, for example, fifteen sites are promoted by Falungong's major electronic publication (www.falundafa.org) including sites in India, Indonesia, Thailand, Malaysia, Saipan, Japan, and Korea. The U.S. list alone comes to almost seventy sites, although all may not be operable and some are mirror sites. Falungong leader, Li Hongzhi, who lives in the U.S., relies on the network to keep in close touch with his followers. Falungong also maintains internal websites which cannot be accessed by the casual surfer. Information about Falungong's e-mail network, other than the one maintained for publicity purposes, is not available. Control of e-mail traffic is no easy task and reports indicate that e-mail is still used by Falungong followers to maintain internal contact. Craig S. Smith, "Sect Clings to the Web in the Face of Beijing's Ban," *New York Times*, July 5, 2001; Matthew Forney, "The Breaking Point," *Time Asia*, June 26, 2001.

³⁶⁷ Human Rights Watch, "Freedom of Expression and the Internet..." August 1, 2001.

Information Services” requires either licensing or reporting of services for the record; limits the kinds of content that can be “produce[d], reproduce[d], release[d], or disseminate[d],” including cult activity; restricts foreign investment; and mandates severe fines for violators.³⁶⁸ The “Telecommunications Regulations of the People’s Republic of China” which also affects foreign organizations and individuals prohibits telecommunications networks from making, duplicating, issuing or disseminating “material that undermines state religious policies or promotes cults and feudal superstitions,” or that “spreads rumors, disturbs social order or undermines social stability.”³⁶⁹

“The Decisions of the National People’s Congress Standing Committee on Safeguarding Internet Safety,” promulgated on December 28, 2000, deals with subverting state power, stealing state secrets, and “organizing evil cults and contacting cult members through the Internet to damage the implementation of state law and administrative laws and regulations.”³⁷⁰

“Computer Information Network and Internet Security, Protection and Management Regulations,” issued by the Ministry of Public Security in December 1997 forbid any unit or individual from using the Internet to “to create, replicate, retrieve, or transmit” certain kinds of information including destroying social order, promoting feudal superstition, or engaging in “other activities against the Constitution, laws or administrative regulations.” The regulations also mandate that those in the Internet business must accept supervision, inspection, and guidance from public security organs and assist in the discovery and handling of violations and criminal activity. In other words, the regulations hold the service providers responsible for the sites their customers visit.³⁷¹

In addition to the regulations described above, new regulations entitled “Secrecy Protection Regulations for Computer Information Systems and the Internet,” issued by the State Secrecy Bureau and in effect as of January 1, 2000, regulate information flows between computer information systems within China and foreign systems. The rigorous restrictions provide that “any information concerning state secrets, including information that is approved for distribution to designated overseas recipients, shall not be stored, processed or transmitted via computer

³⁶⁸ “Measures for Managing...,” BBC Monitoring.

³⁶⁹ “Telecommunications Regulations of the People’s Republic of China,” Article 57, effective September 25, 2000.

³⁷⁰ Xinhua, “The Decisions of the National People’s Congress...,” BBC Monitoring.

³⁷¹ “Computer Information Network and Internet Security...,” Ministry of Public Security.

systems with Internet access” (Article 7).³⁷²

Given how vaguely the term state secrets is applied and the suspicion that the designation is often applied *post hoc*, the restriction could apply to all information not officially approved for publication. Article 8 makes those who disseminate the information “ultimately responsible,” with the result that “information provided to websites must go through security checks and an approval process.” The article further requires that not only “information providers, but “all relevant government agencies and ministries” undergo security checks and an approval process. Article 10 extended the restrictions to “units and users that establish electronic bulletin boards, chat rooms or network news groups.” E-mail use was also affected. As of January 1, 2001, those in violation were subject to the death penalty.³⁷³

As noted, Falungong practitioners in China take considerable risk by circulating news within China and by sending and receiving messages to and from overseas. Much, if not all of their communication, is subject to the Secrecy Protection Regulations.

³⁷² Lester J. Gesteland, “Internet Censored Further in China,” ChinaOnline News, <http://www.chinaonline.com/issues/...otected/2000/January/c00012651.asp>, January 26, 2000; “State Secrets Administration for the Internet,” in China Legal Change, 2000, Issue No.2, January 31, 2000, <http://www.chinalegalchange.com/2000-02/02state.htm>.

³⁷³ “Explanations on Certain Questions Concerning the Specific Application of Law in the Trial of Cases of Stealing, Making Secret Inquiries of or Buying State Secrets and Intelligence and Illegally Providing Gathered State Secrets and Intelligence for Units Outside the Country,” in “China: Supreme People's Court on Stealing State Secrets,” BBC Monitoring, January 23, 2001, from Xinhua, January 21, 2001.

**APPENDIX III: A LETTER FROM ZHANG KUNLUN TO BRIGADE
LEADER LIANG JUNLING ³⁷⁴**

Solemn declaration

Brigade Leader Liang Junling:

All along I have held the opinion that Falungong is the most righteous and the best heavenly law. No matter whether one is talking about practitioners themselves or about any one individual in all of society, it is completely beneficial and does no harm whatsoever, so one should practice firmly.

I was transferred from Luozai Education Through Labor Bureau to Wang village for “transformation work.” People relentlessly forced crooked and evil theories into my brain in order to cheat and control me, and under pressure they made me write so-called material saying that I repented my mistakes, disclosed my shortcomings, recognized my faults, etc. But none of those were my sincere words. This should all be very clear to you. Because many times I declared to you and Brigade Leader Luo and others: all that I said was poured in by other people by force; all that I said were others’ opinions, not at all my own way of thinking.

The filmed video also was made under pressure, and according to your director we were performing a play, so it does not have realistic value.

Now I again write a letter to convey a solemn declaration through the written word. I declare that all the so-called material I wrote and videos in which I was featured in the Wang Village Education Through Labor Institution are false. I also request you to convey to the relevant leaders and departments never to use this kind of false material to vilify me and deceive other people who don’t know the truth.

Zhang Kunlun, January 16, 2001

³⁷⁴ Translation by Human Rights Watch.