

Jiang Zemin and the Party's Douzheng Campaign against Falun Gong

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According to several resolutions passed by the U.S. House of Representatives, Falun Gong is a “peaceful and non-violent form of spiritual belief and practice with millions of adherents in China and elsewhere.” Absolute non-violence and compassion are two of the religion’s core defining tenets.

A. Introduction

The Chinese Communist Party (“the Party”) was established in 1921 as a political organization which was then, and which remains now, organizationally and operationally distinct from the Chinese state. In 1949, the People’s Republic of China was founded at the conclusion of the Chinese Civil War. The Party assumed a dominant political role among China’s nine recognized political parties, but has remained distinct from the state.

After 1949, the Party adopted the practice of periodically launching “rectification campaigns,” purges, crackdowns, or “douzheng” (violent suppression) campaigns against internal and external enemies. These movements were conducted outside of the authority of the state and without the constraint of legal due process or any form of objective hearing or state regulation. Instead, they relied on Party orders and officers to identify targets, ban targets and their activities, initiate their condemnation in the Party’s official mouthpieces, and then subject them to violent persecution either through direct action by Party personnel or through low-level state officers coerced into participation.

The Chinese word “douzheng” has been a term for particular practices of political persecution with ideological roots, and is part of the Communist persecution culture. In this context, the followers of the Party, in order to present their loyalty to the regime, show their hostile attitudes toward whomever is targeted by the regime, e.g., the

intellectuals during the 1957 Anti-Rightist campaign and the “class enemies of the regime” during the Cultural Revolution era, such as professors, former landlords, and entrepreneurs, while the targeted people are “exposed” to a group of the followers, humiliated, vilified, frightened, and forced to admit the charges raised by any of the followers or by the regime. In addition to public humiliation and vilification, the targeted people are attacked through a range of persecutory acts, usually involving extra-judicial imprisonment, beatings, torture, and execution. Indeed, when a group or individual is identified as a target of “douzheng,” the implication is clear: it is imperative to go outside of the law to persecute that person or group.

The identification of a group as an appropriate target of douzheng and the subjection of the target group to douzheng always follows the same basic steps:

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

the word to ensure that the designated group is a known Party enemy or evil cult.

- Special and general security forces are mobilized – including special Party forces (such as the 610 officers used by the Party to torture and violently suppress Falun Gong) and general police forces operating under the aegis of the Party – to identify, round up, arbitrarily detain, and physically and mentally abuse individual members of the “group.” The ideal aim is to force so-called “enemies” to renounce their group identity and beliefs and “join forces” with the Party to attack other members of the targeted group, using the same methods.

- This final step is what is referred to as “zhuanhua” or “forced conversion.” Individuals refusing to be “forcibly converted” are subjected to ever increasing violence and, in many instances, death.

The above process has remained the same since (if not before) the founding of the People’s Republic of China: each Party-run douzheng campaign was a targeted, coordinated attack following the above-outlined steps and including physical and mental abuse, detention, and torture of members of the targeted group.

Although legal mechanisms are sometimes made use of after the fact, to retroactively add a veneer of official “state” authority to the ongoing Party-run crackdowns (either through related legislation, the use of judicial trials, or statements solicited from government officials with dual roles in the Party), these only form a small, insignificant, and superficial aspect and are irrelevant to the extralegal violence and suppression noted above.

In short: “douzheng” campaigns are not “law.” The legal scholar H.L.A. Hart defined law as requiring, at minimum, that there be a coherent “system of rules” and that a “rule of recognition” as to what constitutes legitimate law imposes duties on legal officials to consistently bind their behavior in accordance with that rule system. In the case of these crackdowns, there is no consistency of interpretation, application, or even relevance of any specific statute or order—only the ad hoc targeting of individuals due to their perceived level of identification with a group defined as an “enemy” of the Party.

In lieu of due process or a fair hearing, all that China's legal system affords to individuals targeted as Party enemies is a choreographed procedure of appearing in a courtroom, during which the defendant is not permitted to testify on his or her own behalf, to plead innocence, or to even retain a lawyer of his or her own choice. Any attempt to enter a plea of not guilty or reveal any forms of maltreatment suffered up to the point of the appearance results in intensified abuse. Those who refuse to cooperate are subjected to torture (before and after trial). Confessions elicited through torture are admissible in court. At the end of the choreographed process, the defendant is subjected to arbitrary detention, degrading and inhumane treatment, forced conversions practices, and other forms of torture, and in some cases extrajudicial killing.

The same point has been made by an array of China experts, scholars, and Chinese lawyers. Most recently, in the December 2014 edition of the Washington Post, renowned Chinese human rights lawyer Teng Biao had this to say:

To the Chinese Communist Party, “governing the country according to law” does not mean rule of law as you and I understand it. . . . The rule of law that the party talks about is “Lenin plus Emperor Qin Shi Huang” – modern totalitarianism combined with pre-modern Chinese “legalism.” It is nothing more than a tool to further control society. . . . As University of Hong Kong law professor Fu Hualing has pointed out, many extra-legal processes – and extra extra-legal processes – stand above and apart from the law. These include shuanggui (an extralegal detention and interrogation system used to enforce discipline within the party), media restrictions, house arrest, secret police, “black jails,” chengguan (a para-police force that works with police across the country to enforce minor city rules and regulations), spying on citizens, torture, disappearances and Internet police.

Thus, while “[i]t may seem odd to detain someone first and then go look for the reasons for the detention . . . in fact this is a well-established pattern [in China],” according to leading China scholar, Dr. Perry Link. “In the trial of the Maoist ‘Gang of Four’ after Mao Zedong died, in Deng Xiaoping’s charges against the dissident astrophysicist Fang Lizhi in 1989 . . . and in many other cases, the questions ‘What law was broken?’ and ‘What facts show that it was broken?’ have both been researched after detentions are ordered. . . .”

B. The Douzheng against Falun Gong

Without any genuine justification, in June of 1999, the Party published the Jiang Zemin document calling for the implementation of a widespread persecutory “douzheng” campaign against Falun Gong in China to violently suppress believers across China.

In addition to providing the framework for the violent suppression of Falun Gong by defining its purpose as the douzheng and elimination of Falun Gong believers, Jiang Zemin’s June 1999 speech also gave intra-Party authority to Li Lanqing and Luo Gan to form the “Leadership Team to Handle Falun Gong” (“Leadership Team”), responsible for developing specific strategies and methods for its immediate implementation. The Leadership team then formed the “610 Office” responsible for practical implementation of the Party’s conspiracy to enact the violent suppression and denial of rights of Falun Gong, especially in China.

Among other things, Office 610, in full collaboration with the Party and others, promulgated public notices and guidelines requiring lawyers, the procuratorate, and the courts to support the Party’s staunch stance against members of the religion. For example, Office 610 has issued a typical notice, titled, “Requirements Regarding Prevention and Control of Enemy Situations.” It requires that all Party-appointed and other Falun Gong lawyers enter a plea of “guilty” at the outset of a Falun Gong trial, that Judges reach a “guilty” verdict at the trial’s conclusion, and that the 610 Office itself meet with such court officers as the prosecutor and judge prior to trial to ensure that they severely crackdown on Falun Gong believers in the courtroom.

The All China Lawyer’s Association (“ACLA”) has also issued notices and guidelines to ensure that all lawyers in China support the Party’s douzheng agenda regarding Falun Gong believers in China. For example, at the February 13, 2001, meeting held at the Bureau of Justice in the city of Chongqing to set legal guidelines for the handling of Falun Gong cases, the local city offices of ACLA demanded that all lawyers follow Party policies with respect to Falun Gong cases, including the guideline that requires that all lawyers “recognize fully the importance of the persecution of Falun Gong (the religion and its adherents).”

Party organizations across the nation similarly supported and reiterated Jiang Zemin's calls to douzheng Falun Gong. According to currently available records found on Party websites, Party committees across the nation initiated conferences, seminars, and forums to study the Party Central Committee's notices containing Jiang Zemin's speeches which call for the "douzheng" against Falun Gong. These committees strongly voiced their support, and took actions to advance the douzheng campaign.

Flagship media in China, such as the People's Daily newspaper and the China Central Television ("CCTV") evening news broadcast, as well as Party ideology journals, spread the word to ensure that Falun Gong would be subjected to douzheng as a known Party enemy (and evil cult). In addition to calling for a douzheng against Falun Gong, their polemic – mirroring that used during the Holocaust to ensure the violent elimination of the Jewish population in Europe – compared Falun Gong believers to subhuman viruses, epidemics, vermin, parasites, demons, psychopaths, and state enemies. After the increased global focus on terrorism in 2001, persons identified as Falun Gong were additionally labeled as "terrorists." In one representative incident, the China Anti-Cult Association, another Party-run organization closely tied to the persecution of Falun Gong, published and adopted comments explicitly acknowledging the strategy of demonizing Falun Gong in order to justify their elimination ("I say that we first define it as terrorist so that any necessary measures are justified").

At the same time, many Party officials who heard about or read the speech not only transmitted Jiang Zemin's order to subject Falun Gong to a violent suppressive campaign, but also played a major role in ensuring that Falun Gong became the latest target of douzheng, through their own use of douzheng in their speeches, policy papers, and/or written instructions. Their instructions and commands to subject Falun Gong believers to douzheng reached the courts, the procuratorate, labor camps, and detention centers, as did the flagship media and widespread propaganda. Below is an illustration of the role of some of the major perpetrators in not only transmitting but also ensuring the widespread douzheng of Falun Gong.

- Jiang Zemin, as the key architect and founder of the violent suppression (douzheng) of Falun Gong, signaled and initiated the campaign through, inter alia,

the use of Party language and especially the imperative verb “douzheng” in his June 1999 speech to the Politburo.

- Li Lanqing, the first Head of the Leadership Group for Handling Falun Gong, used the very same persecutory language in addition to his ideological influence and stature to implement Jiang Zemin’s “douzheng” campaign. For example, in February 2001, at a National Award-giving Meeting, Li Lanqing praised members of Chinese security for subjecting Falun Gong to “douzheng” and ideological conversion through torture (zhuanhua); and further instructed Party (and government leaders) of all levels to continue to carry out the “douzheng” campaign against Falun Gong in order to strengthen the confidence and objectives of the Party. Li served as Head of the Leadership Group from June 1999 to November 2002, when he retired.
- Wang Maolin, who was the first to head the Central 610 Office, also used the very same persecutory language in addition to his own ideological and political stature and influence to implement Jiang Zemin’s “douzheng” campaign against Falun Gong. Thus, for example, in his preface to the influential Party-authored book, “Falun Gong and Evil Cults,” Wang Maolin argues that the book “captures the importance and necessity of the douzheng against Falun Gong.”
- Wen Shizheng, Provincial Party Secretary of Liaoning Province from August 1997 to December 2004, similarly used his stature and influence to implement Jiang Zemin’s orders to “douzheng” Falun Gong. In July 1999, he instructed other Party leaders to “follow the orders of Jiang’s CCCCP to eliminate Falun Gong . . . in our province” through, inter alia, ideological conversion through torture (“zhanhua”) in order to prevail against them. Again in October 1999, after Jiang Zemin misinformed the French newspaper Li Figaro and the People’s Daily published Jiang Zemin’s lies a few days later, Wan Shizheng urged Liaoning Party leaders to advance the “douzheng” campaign based on Jiang Zemin’s slander and lies.
- Ding Shifa, Secretary of Liaoning Provincial Party Committee’s Political and Legal Affairs Committee (PLAC), reinforced Wan Shizheng’s remarks through several similar uses of “douzheng.” In October 1999, he urged his fellow comrades in Liaoning to “diligently participate in the [anti-Falun Gong] ‘douzheng’ with full

political enthusiasm and to prevail.” Earlier in July 1999, he led staff members from the Liaoning Party Organization Department, Propaganda Department, and Public Security Bureau to Huludao city and demanded that Huludao strictly carry out the Central CCP’s strategies (issued by its Secretary Jiang Zemin) to succeed in the “douzheng” against Falun Gong.

- Zhang Xingxiang, while Deputy Secretary of Liaoning Provincial Party’s Committee, urged his fellow comrades especially in Huludao city to “be prepared for a lengthy ‘douzheng’ against Falun Gong” who he likewise characterized as enemies of the Party.

- Bo Xilai, the now disgraced former Party official, is incarcerated in Oincheng prison for crimes of corruption, embezzlement, and abuse of power. As Party Secretary of Liaoning Province’s Dalian city and in other Party roles and capacities, Bo Xilai similarly used the very same persecutory language in addition to his own ideological and political stature and influence to implement Jiang Zemin’s “douzheng” against Falun Gong – in Dalian city, Liaoning Province, and elsewhere in China. For example, in February 2001, he addressed the fourth session of the 9th Liaoning Province People’s Congress and said, “[W]e achieved remarkable success in our ‘douzheng’ campaign against ‘evil cult’ Falun Gong . . .”; “[We] will . . . severely attack those [who refuse to recant].” Bo Xilai’s role in the persecutory campaign has also been set forth by expert witnesses in cases filed globally against him for his role in the more general suppression and the specific campaign to remove the organs of Falun Gong believers while still alive to facilitate a profitable organ transplant business in China.

As a former 610 officer stated under oath, the above “chain of command” operated in tandem in regions across China. Likewise, “chain of command” instructions and orders to subject Falun Gong to “douzheng” were transmitted to Chinese security, who subjected Falun Gong to ideological conversion through torture (“zhuanhua”) and other egregious abuses at re-education through labor and other detention centers in China.

C. Conclusion

Like previous campaigns which occurred throughout the Party's history, the anti-Falun Gong campaign was similarly framed and implemented in largely extralegal terms, e.g., "as a violent suppression" (douzheng) rather than as an ordinary activity of the criminal justice system. As such, involved Party agents and low-level security officers under their control have operated and continue to operate ultra vires, i.e., outside of and beyond the constraints of statutory law or precedent or government regulations. Like the targets of earlier "douzheng" campaigns in China, persons identified as Falun Gong were demonized as "party enemies," "hostile elements," "anti-humanity," "anti-society" viruses and other dehumanizing imagery to instigate and legitimize their regular subjection to human rights abuses.

As in earlier douzheng campaigns, Party agents have isolated Falun Gong believers without legal basis in detention facilities including "psychiatric" facilities, Public Security "hospitals," "black jails," and "re-education through labor" camps, and have carried out acts of torture and forced labor as a means of coercing them into renouncing their religious beliefs. For those who refused to abandon their beliefs and spiritual identity, even harsher sanctions were leveled including indefinite detentions and more severe torture and extrajudicial killing.

As in earlier campaigns, the Secretary of the Party Central Committee, in concert with the upper echelons of the Party, signaled and implemented the "douzheng" campaign against Falun Gong through a persecutory polemic and especially the imperative "douzheng" that was transmitted through well-organized "chains of command." Likewise, Party Secretary Jiang Zemin and his collaborators provided those committing the abuses with direction, instruction, orders, motivation, support, justification, and a library of materials to use in building further support.

Jiang Zemin's legal responsibility will be set forth in detail in subsequent sections of this analysis.