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PEOPLE'S REPUBLIC OF CHINA

The crackdown on Falun Gong and other so-called "heretical organizations"

23 March 2000

SUMMARY

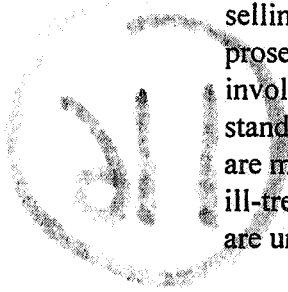
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The attached report describes Amnesty International's concerns about the human rights violations resulting from the crackdown on Falun Gong and other groups branded as "heretical organizations" by the Chinese government.

The Falun Gong, a spiritual movement which teaches a practice of meditation and breathing exercises, was banned by the Chinese government on 22 July 1999 as a "threat to social and political stability". Three months later, China's legislature legitimised the crackdown by passing a legislative decision on the banning of all "heretical organizations". All the information available indicates that the crackdown is politically motivated, with legislation being used retroactively to convict people, and new regulations introduced to further restrict fundamental freedoms. Apart from Falun Gong, other Qi Gong groups are also being targeted in the government's campaign against "heretical organizations".

Since the ban on Falun Gong, tens of thousands of its followers have been arbitrarily detained by police, some of them repeatedly for short periods, and put under pressure to renounce their beliefs. Many of them are reported to have been tortured or ill-treated in detention. Some practitioners have been detained in psychiatric hospitals. Those who have spoken out publicly about the persecution of practitioners since the ban have suffered harsh reprisals. The number of practitioners who remain in detention is believed to be in the thousands. Some of those detained have been charged with crimes and sentenced after unfair trials, while others have been sent to labour camps without trial. New arrests and detentions continue to be reported every day.



Amnesty International is concerned that many of those held in police custody, sent to labour camps without trial, or sentenced to prison terms are being held arbitrarily for the peaceful exercise of fundamental human rights. Most have been accused of offences such as organising or taking part in "illegal" gatherings or peaceful demonstrations, or printing, selling or circulating books and other material about the Falun Gong. In the case of those prosecuted, the authorities have not provided any evidence that the defendants were involved in activities which would legitimately be regarded as 'crimes' under international standards. They were convicted and sentenced after grossly unfair trials. In addition, there are many reports that detained Falun Gong practitioners have been subjected to torture or ill-treatment, and at least ten people have died in police custody in circumstances which are unclear, some reportedly due to torture.

Amnesty International is also concerned that similar human rights violations are resulting from a nationwide crackdown on other groups branded as "heretical organizations". This crackdown has been going on - largely unreported outside China - since 1998 in the context of an "anti-superstition" campaign. As of July 1999, this campaign had already resulted in over 20,000 arrests. It is now being extended to a number of Qi Gong organizations which promote meditation and breathing exercises similar to Falun Gong. Examples of the variety of groups and individuals targeted in this campaign are cited in the attached report. The information available indicates that at least some of those held are being arbitrarily detained in violations of international standards.

Amnesty International is calling on the Chinese government to stop the mass arbitrary detentions, unfair trials and other human rights violations resulting from this campaign.

KEYWORDS: RELIGIOUS GROUPS - FALUN GONG1 / FREEDOM OF EXPRESSION1 / RELIGIOUS INTOLERANCE1 / TRIALS / ARBITRARY ARREST / DEATH IN CUSTODY / TORTURE/ILL-TREATMENT / LEGISLATION / POLITICALLY MOTIVATED CRIMINAL CHARGES / DETENTION FOR RE-EDUCATION / PSYCHIATRIC CONFINEMENT / MACAO

This report summarizes a 44-page document (20318 words), : PEOPLE'S REPUBLIC OF CHINA The crackdown on Falun Gong and other so-called "heretical organizations" (AI Index: ASA 17/11/00) issued by Amnesty International in 23 March 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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PEOPLE'S REPUBLIC OF CHINA

**The crackdown on Falun Gong
and other so-called
“heretical organizations”**



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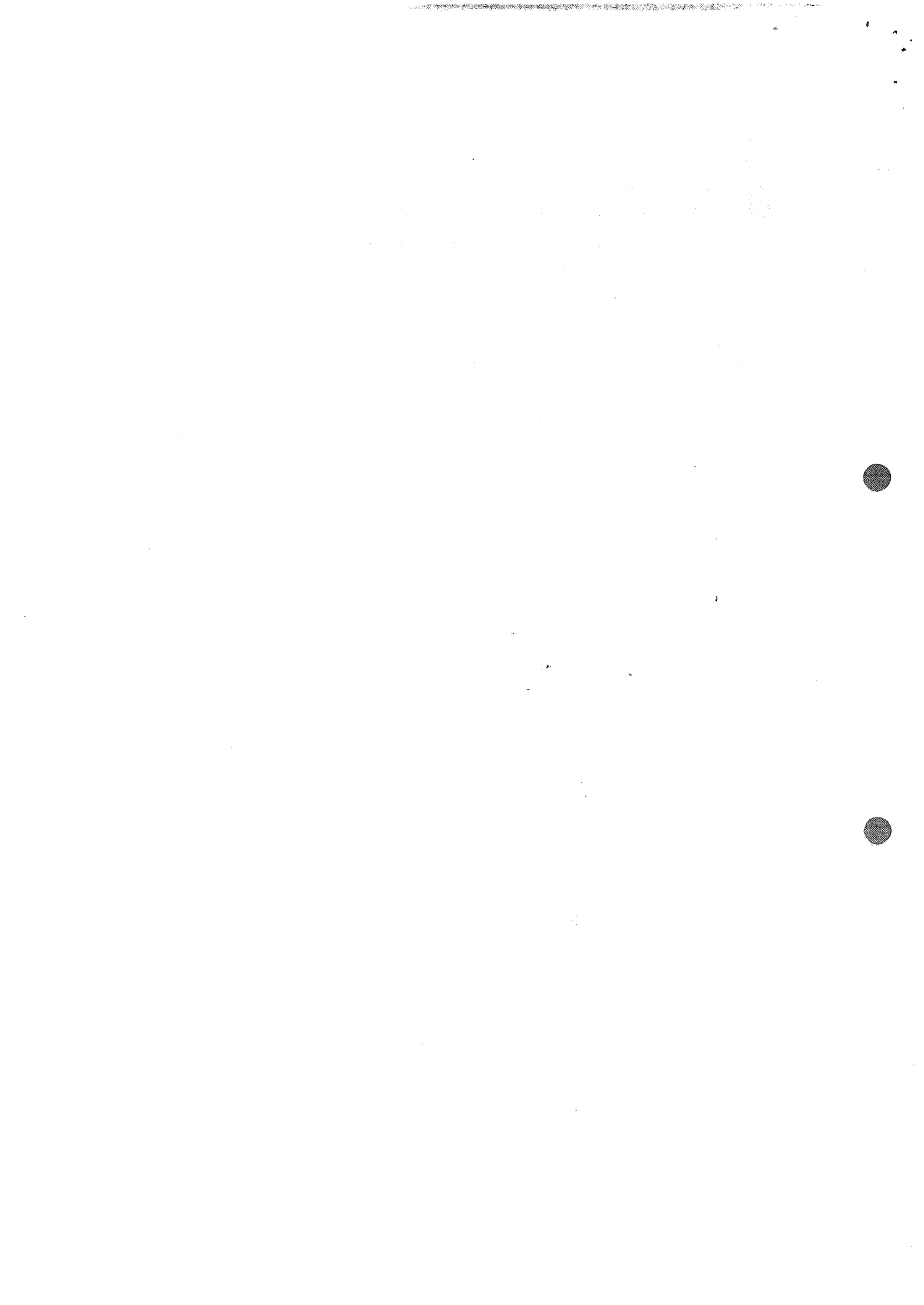
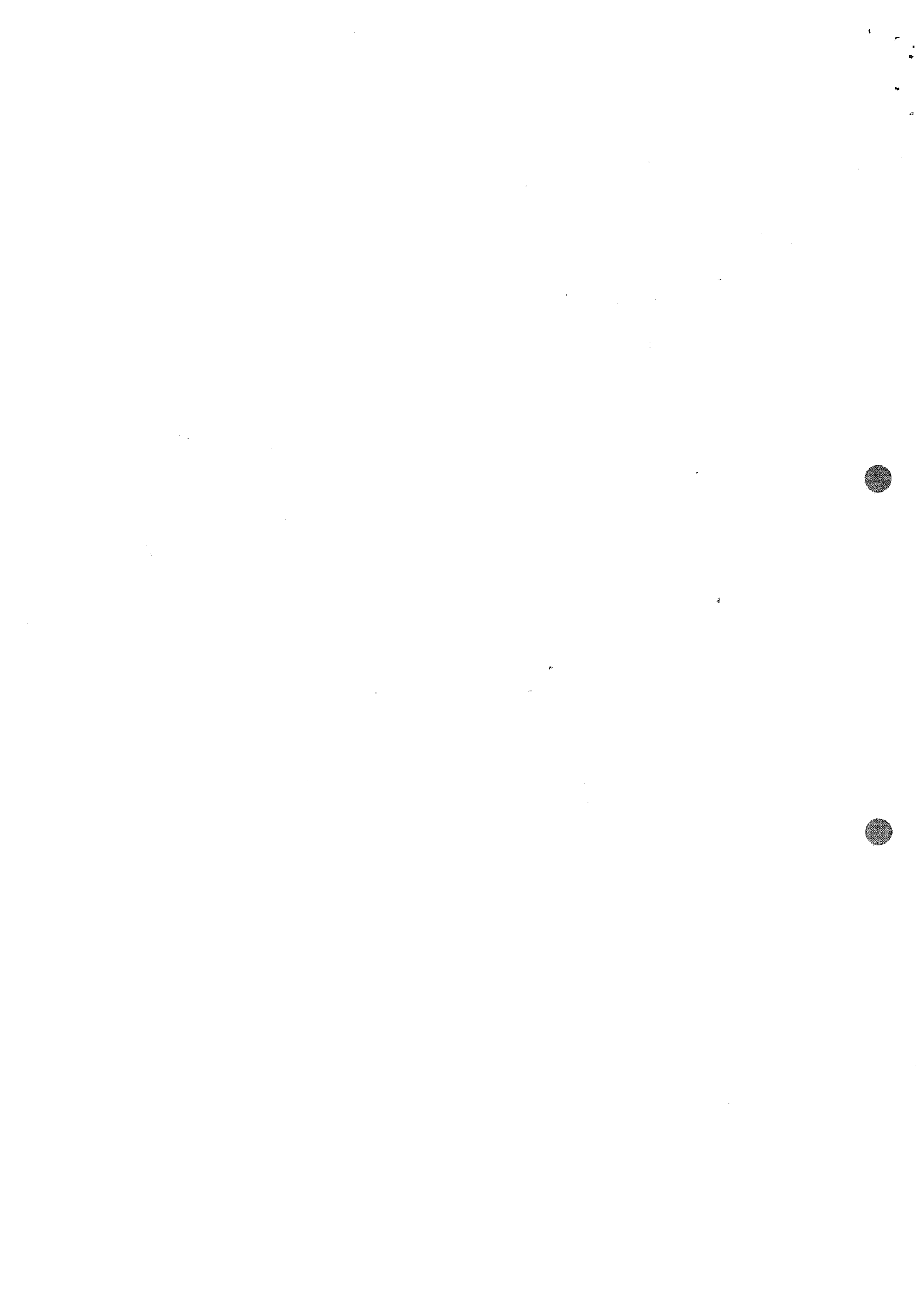


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PEOPLE'S REPUBLIC OF CHINA

The crackdown on Falun Gong and other so-called "heretical organizations"

"Our struggle against Falun Gong is protracted, acute and complicated"
(Luo Gan, member of the Political Bureau of the Chinese Communist Party Central Committee, addressing a national conference of directors of justice departments, 28 December 1999)

1. INTRODUCTION

Amnesty International is calling on the Chinese government to stop the mass arbitrary detentions, unfair trials and other human rights violations resulting from the crackdown on the Falun Gong and other groups branded by the government as "heretical organizations".¹ All the information available indicates that the crackdown is politically motivated, with legislation being used retroactively to convict people on politically-driven charges, and new regulations introduced to further restrict fundamental freedoms.

In its New Year editorial on 1 January 2000, the official newspaper People's Daily listed the "serious handling" of the "heretical organization Falun Gong" as one of the Chinese government's major achievements of 1999. The government claims that the Falun Gong, which teaches a practice of meditation and exercises, represents a serious "threat to social and political stability" in China. It banned the Falun Gong on 22 July 1999. A legislative decision on the banning of all "heretical organizations" was subsequently adopted by China's parliament, the National People's Congress, in October 1999. Since the ban, the

¹ The word "cult" has been frequently used in English to translate the label recently put by the Chinese government on the Falun Gong and other similar groups. However, this translation is misleading. The expression used in China for this purpose, "xiejiao zuzhi", refers to a large variety of groups and has a far broader meaning than "cult". "Xiejiao zuzhi" is the expression used in Chinese legislation, official statements and by the state media to refer to a wide range of sectarian and millenarian groups, or unorthodox religious or spiritual organizations, and other groups which do not meet official approval. *Xiejiao zuzhi* can be translated as "heretical organization", or "evil", "heterodox" or "weird religious organization". The translation "weird religious organization", for example, is used in one official translation of legislation published in the PRC. In this report we use the translation "heretical organization" to convey the meaning of the Chinese expression, though the word "cult" appears occasionally in the text when it is part of a quotation from a text or report available to us in English. It is worth noting that there is no precise legal definition for "heretical organization" in China. Furthermore, the government's current crackdown on these groups raises the question of who is entitled to determine which group is "heretical".

Chinese authorities, at national and provincial level, have carried out a severe crackdown on Falun Gong practitioners and members of other organizations deemed to be "heretical organizations".

Tens of thousands of Falun Gong practitioners have been arbitrarily detained by police, some of them repeatedly for short periods, and put under pressure to renounce their beliefs. Many of them are reported to have been tortured or ill-treated in detention.² Some practitioners have been detained in psychiatric hospitals. Those who have spoken out publicly about the persecution of practitioners since the ban have suffered harsh reprisals.

While it is difficult to estimate accurately the number of Falun Gong practitioners currently detained or imprisoned - notably due to the continuous succession of arrests and releases - the information available indicates that the number is likely to be in the thousands. Some have been charged with crimes and tried, while others have been sent to labour camps without trial. According to Chinese official sources, by late November 1999, at least 150 people, officially described as "key" members of the Falun Gong, had been charged with crimes. The number of those by now charged or prosecuted under the Criminal Law is believed to be much higher. By early February 2000, at least 40 of those charged under the Criminal Law had been tried and sentenced to prison terms after unfair trials. In addition, hundreds, possibly thousands, of other practitioners have been assigned, without charge or trial, to serve terms of "administrative" detention in forced labour camps for up to three years. Unfair trials have continued and arrests and detentions of practitioners continue to be reported every day.

Amnesty International is concerned that the detention and prosecution of members of Falun Gong are politically motivated, and that many of those held in police custody, sent to labour camps without trial, or sentenced to prison terms under the Criminal Law are being held arbitrarily for the peaceful exercise of fundamental human rights. Most have been accused of offences such as organising or taking part in "illegal" gatherings or peaceful demonstrations, or printing, selling or circulating books and other material about the Falun Gong. In the case of those prosecuted, the authorities have widely publicised the trials and harsh sentences passed in a few "key" cases, but they have not provided any evidence that the defendants were involved in activities which would legitimately be regarded as 'crimes' under international standards. Most trials have been closed to the public and some have been held in secret. The reports available indicate that these trials have been grossly unfair. In addition, there are many reports that detained Falun Gong practitioners have been

² For details of Amnesty International's concerns on the torture of Falun Gong practitioners, see "People's Republic of China: Reports of Torture and Ill-treatment of Followers of the Falun Gong", 22 October 1999, AI Index: ASA 17/54/99.

subjected to torture or ill-treatment, and at least ten people have died in police custody in circumstances which remain unclear, some reportedly due to torture.

Amnesty International is also concerned that similar human rights violations are resulting from a nationwide crackdown on other groups branded as "heretical organizations". This crackdown has been going on - largely unreported outside China - since 1998 in the context of an "anti-superstition" campaign.³ As of July 1999, this campaign had already resulted in over 20,000 arrests. It is now being extended to a number of Qi Gong organizations which promote meditation and breathing exercises similar to Falun Gong. Examples of the variety of groups and individuals targeted in this campaign are cited in this report. The information available indicates that at least some of those held are being arbitrarily detained in violation of international standards.

In addition, Amnesty International is concerned that the government directives, regulations and judicial interpretations issued in the course of the campaign against the Falun Gong and other groups may have a broader impact on freedom of expression, association and belief in China. Some of these official documents are examined in this report. The government has promoted the campaign as an example of its new emphasis on rule by law. However, the official directives and legal documents issued for this campaign undermine rights set out in the Chinese constitution as well as international standards.

International standards permit some restrictions on freedom of expression, association and belief, but they do not grant discretion to states to define for themselves the circumstances in which these freedoms can be restricted. Under international standards, such restrictions must be 'provided by law', must be 'necessary' and must be in pursuance of a 'legitimate' objective, such as the protection of national security, public order, or public health or morals. These fundamental principles are interpreted narrowly, and the principle of 'proportionality' is associated to that of 'necessity' and 'legitimacy'. For example, the requirement that the restrictions must be 'necessary' to meet a 'legitimate' objective - such as to protect public security from a particular threat - means that the restrictions imposed must be in direct proportion to this specific threat, and not beyond. Indeed, restrictions must not have the effect of entirely undermining the exercise of fundamental rights. Furthermore, restrictions may not be applied simply to suppress an opinion or belief. In the case of Falun Gong and other groups, the Chinese government's crackdown and the legislation on "heretical organizations" are being used precisely for this purpose.

³ Several similar but short term campaigns have been reported in some provinces since 1995.

The obligation clearly lies with the government to demonstrate why particular restrictions are necessary and why punishing members of Falun Gong and other groups is warranted. It has so far failed to do so.

Amnesty International has records of nearly 1600 cases of detention, arrest or sentencing of Falun Gong practitioners since June 1999. Around 740 of these cases concern individuals or groups of people reported to have been detained around the ban on the group in July or soon after, who may have been released since then - no further information became available about them. The other cases include around 200 more recent cases of people detained in police custody, and around 640 cases of people either held without trial in "re-education through labour" camps or sentenced to prison terms under the Criminal Law. Some of these reports concern identified individuals, others refer to unnamed groups of people. A list of these reports and the names of identified detainees and prisoners will be published shortly in a separate document (ASA 17/12/00).

2. THE CRACKDOWN ON "HERETICAL ORGANISATIONS"

2.1. The government's campaign and accusations against the Falun Gong:

The Chinese government has stated in recent months that there are around 2 million Falun Gong practitioners in China. According to Falun Gong sources, previous government estimates put the figure at between 70 and 100 million.⁴ The Falun Gong was founded in 1992 by Li Hongzhi, who now resides in the USA. It is described by its adherents as a spiritual practice of body, spirit and mind, based on various schools of Buddhism and traditional forms of self-cultivation which centre around a practice of meditation and Qi Gong exercises. These exercise sessions are often held by groups in public places. Before it was banned, the Falun Gong had training stations, practice sites and 'contact persons' across China, with practitioners coming from all sectors of Chinese society and almost all provinces. Among the thousands detained over the past few months, the majority were ordinary workers or farmers, but they also included teachers and academics, university students, publishers, accountants, police officers, engineers and people from a variety of other professions. Those detained also include officials, notably a Railways Ministry official, a former official at the Ministry of Public Security (police), a recently retired major from the People's Armed Police, and a 74-year old retired air force lieutenant general.

⁴ According to Falun Gong sources, before the ban on the group in July 1999, the Chinese government estimated that between 70 and 100 million people in China practised Falun Gong. These sources state that this official estimate was based on a survey conducted in early 1999, but that the government changed the figure to 2 million when the ban was imposed.

The government's final crackdown on the Falun Gong appears to have been triggered by a large-scale demonstration in Beijing on 25 April 1999, when an estimated 10,000 practitioners from various places in China stood quietly from dawn until late into the night outside the Zhongnanhai, the compound of the Communist Party leadership in Beijing.⁵ According to Falun Gong sources, the demonstration was organized in reaction to incidents in which practitioners had been harassed or detained by police over the previous months. The demonstrators' purpose was to demand official status for Falun Gong and to request dialogue with the government. The authorities, however, are reported to have been mainly concerned by the capacity of the group to mobilize large numbers of followers, unnoticed, for a public demonstration. Subsequently, after some conflicting signals, they branded the Falun Gong a "threat to social and political stability".

The government banned Falun Gong on 22 July 1999 and launched a massive propaganda campaign to denounce its practice and the motivation of its leaders, in particular Li Hongzhi.⁶ Since then, the government's accusations against the group have been repeatedly publicized by the state media and government officials. At a news conference on 4 November 1999, for example, Ye Xiaowen, Director of the Bureau of Religious Affairs of the State Council (government), said that "Falun Gong had brainwashed and bilked [double-crossed] followers, caused more than 1,400 deaths, and threatened both social and political stability". Further emphasizing that Falun Gong was a political threat, he added: "any threat to the people and to society is a threat to the Communist Party and the government".

Another important part of the government's propaganda campaign has been to publicise statements from people identified as former Falun Gong practitioners who denounce the Falun Gong movement and its leader, speak of the damage that the movement has brought to Chinese society, and praise the government for its firm action against the movement. Such denunciations, whose authenticity cannot be verified, are a typical feature of the political campaigns periodically launched by the authorities in China. These denunciations are encouraged by the authorities with promises that those who leave the "heretical organization" and perform "meritorious service" will not be punished.

⁵ Petitioning the government over grievances is a right enshrined in the Chinese Constitution. It is not uncommon for petitioners to present their concerns directly at Zhongnanhai, the symbol of ultimate authority in China. What was unusual in the 25 April demonstration was the scale of the gathering.

⁶ The government has claimed that Li Hongzhi had been "taking advantage of the Chinese people to further his political ambitions and become filthy rich in the process". In December 1999, Li Hongzhi and the Falun Gong movement were fined 10 million yuan by the authorities in China for alleged tax evasion. The Chinese government has requested his extradition from the United States, but Interpol refused to comply with the request on the grounds that it does not pursue political or religious cases.

Throughout China, local government authorities have also been carrying out "study and education" programmes to purge their provinces of Falun Gong practice. This can take the form of reading newspapers and listening to radio programmes, as well as having office cadres visit villagers and farmers at home to explain "in simple terms the harm of Falun Gong to them". "Study and education" can also be a euphemism for detention for "re-education". Numerous reports indicate that the authorities have used detention, fines, threats and other means to "persuade" followers to renounce their Falun Gong beliefs and practice.

The government's accusations against Falun Gong followers range from "organizing illegal gatherings" to "threatening political stability". These accusations include "forcefully occupying parks", organising or taking part in "illegal" sit-ins, assemblies or demonstrations, obstructing "normal religious activities", having "illegally" published and distributed books, "leaking state secrets", "harming people's health" or "causing deaths" through the philosophy it promoted.

This latter accusation in particular has been used widely by the government to justify its crackdown on the group. According to information published by the government,⁷ Falun Gong 'caused over 1400 deaths', most of which concerned people who died from illnesses allegedly because they refused medical treatment due to their Falun Gong beliefs. In the current climate of censorship and repression in China, this allegation cannot be independently verified. In view of the government's political crackdown and massive propaganda campaign against Falun Gong, the impartiality of the government's information is questionable. Furthermore, the information published by the government leaves many essential questions unanswered. It fails for example to demonstrate any direct connection between the alleged deaths and Falun Gong leaders or organisers. Under international law, criminal responsibility is determined case by case, on an individual basis. In the case of leaders or local organisers of Falun Gong who have been prosecuted on charges of "causing deaths", the government has not presented evidence of

⁷ In an official book published in September 1999, the government cited official statistics from 29 provinces aiming to show that 1404 people died over an unspecified period of time as a result of their Falun Gong beliefs - the vast majority having allegedly died because they refused medical treatment when they were ill. The book gives some examples of these cases, but the information provided is limited and the conclusions drawn from it are unconvincing. It does not address a number of essential questions, such as how it was established that the primary cause for these people's deaths was their Falun Gong belief; what their chances of survival would have been if they had gone to hospital; and whether they would have been able to afford appropriate medical care through normal medical channels when its cost is now prohibitive for many people in China. The book is entitled "Li Hongzhi and His 'Falun Gong': Deceiving the Public and Ruining Lives", New Star Publishers. Beijing, 1999. In addition to the statistics on the 1404 deaths, the book includes case details of 100 people who allegedly suffered physical or mental problems or harmed themselves or their relatives "as a result of practising Falun Gong". It also includes a list of 115 people the majority of whom are diagnosed as suffering from "dysphrenia resulting from practising Falun Gong". Again, the direct link between cause and effect is not demonstrated in these cases. The word "dysphrenia" is not widely recognized by Western psychiatric professionals and does not appear to be defined in Western medical books. The only references found by AI's expert medical advisor is related to neurological movement disorders which occur as side effects of drug treatment for schizophrenia or a psychopathic disorder of communication - "psychopathic" meaning a psychiatric illness.

a direct link between the alleged deaths and the defendants. Nor has the government presented evidence that the defendants had full knowledge that the philosophy they were promoting might cause deaths. Evidence of this direct link and of "knowledge" is essential to determine criminal responsibility, but such evidence is lacking in these cases.

Furthermore, the government published this and other accusations as 'facts' before leading members of Falun Gong were prosecuted. In the context of the political crackdown on the movement, it instituted a presumption of guilt against those to be prosecuted. The official documents issued for the crackdown in themselves show that the judicial process was biased from the outset against the defendants. This violates international standards in several respects, notably the right of detainees to be presumed innocent until proven guilty through a fair and open trial by an independent tribunal. This also goes against new provisions introduced in Chinese law in 1996 to make the judicial process fairer.

Despite the crackdown, many Falun Gong practitioners have continued, individually or in groups, to hold exercise sessions in public, usually as a form of silent protest against the banning of the movement or the imprisonment of practitioners. Some of these silent protests have been held outside important seats of government or in places with political significance such as Tiananmen Square in Beijing. They have been attended by large numbers of people, including significant numbers of elderly people and women, and have been entirely peaceful. The government has declared these sessions to be "illegal assemblies" or gatherings of people to "besiege ... state organs, enterprises and institutions" which disrupt "normal social order".

At a press conference on 2 December 1999, Qian Xiaoqian, Director General of the State Council Information Office, quoted police data referring to Falun Gong practitioners, according to which between 20 July and 30 October 1999, 35,792 people "had tried to attend illegal gatherings in public places in Beijing and were told to leave or were taken away from the scene". He subsequently insisted that "those people were not and are not detained", despite information from numerous sources indicating that many of those attending such gatherings were detained at least for short periods. Since then, thousands of other people have been detained across the country for peacefully protesting against the crackdown. Many have been sent to labour camps without charge or trial for periods of up to three years' detention for "re-education through labour". Others have been detained repeatedly by police, and fined, threatened or dismissed from their jobs. Many of those detained subsequently reported being held in poor and unsanitary conditions, and being beaten or otherwise ill-treated in detention.

The silent protests and arrests have continued. Among many others detained in January in Beijing was Yu Fenglai, a senior figure from the armed police. Yu Fenglai, a major in the People's Armed Police from Shandong province, was detained on 2 January 2000 for practising Falun Gong exercises in Tiananmen Square in Beijing and reportedly handing over a petition against the ban on Falun Gong to the State Council Complaints Bureau while he was in Beijing. He was sent back to Shandong province under police escort on 4 January. According to

unofficial sources, he was removed from his duties and expelled from the Communist Party, but his current fate is not known.

2.2. Other groups - the ongoing "anti-superstition" campaign:

Even before the crackdown on the Falun Gong, the authorities had targeted a wide range of other groups and individuals in the ongoing "anti-superstition" campaign. Alleged leaders or 'core members' of such groups were detained, assigned without trial to reeducation-through-labour or tried under a variety of criminal charges. The scale of the campaign is demonstrated by police reports that in the 17 months before Falun Gong was banned, they had "cracked" 11,870 cases of "using feudal superstition to disrupt social order or defraud property", arresting 21,400 suspects.⁸ In 1998 in one county alone (Lingbi, Anhui Province) authorities boasted that a crackdown on "illegal heretical organizations who, in the name of 'promoting the heretical organization' engaged in illegal incitement, sowing discord between the party and the masses", had resulted in the closure of 292 illegal religious venues and 23 heretical organizations' venues, and the arrest of 87 heretical organizations' members and 15 illegal evangelists (chuanjiao ren).⁹

Since at least the mid 1990s there have been repeated calls by provincial governments, and sometimes the state Religious Affairs Bureau to crackdown on a number of named groups which are deemed illegal and a threat to stability, and labelled "heretical" (*xiejiao*). These include the *Huhan Pai* (Shouters faction - previously outlawed as "counter revolutionary"), the *Mentu Hui* (Disciples association), the *Lingling Jiao* (Spirit church) and the *Quanfanmian Jiao* (the Holistic church). Alleged members of these and other groups labelled "heretical" have also been targeted in the most recent crackdown. At the beginning of 1999, President Jiang Zemin himself gave impetus to the campaign, stressing: "We must suppress cults and the use of religion to engage in illegal activities to maintain social stability in farming villages".¹⁰

Recently, the crackdown in the name of "heretical organizations" appears to have spread to more mainstream but unregistered 'house churches' who have long feared such classification. In late December 1999, six people who were among over 40 reportedly detained on 24 August during a raid on a house church meeting in Nanyang County, Henan province, were reportedly assigned without trial to terms of re-education through labour for "using a heretical organization

⁸ Legal Daily, 20 July 1999. "In some areas feudal superstitious activities are (on a rising tide?) This is not only contrary to the construction of Socialist spiritual civilization, but also creates a serious threat to public order. On account of this, the Ministry of Public Security requires public security organs in all areas to actively investigate cases of using feudal superstition to disrupt social order or defraud property from the masses. In attacking and managing [the issue we] cannot be weak.

⁹ Anhui Fazhibao, 6 April 1999.

¹⁰ South China Morning Post, 5 January 1999.

to undermine the implementation of the law". Zhang Ronglian and Zheng Shuqian were reportedly assigned to three years, Shen Yiping and Wang Jiasheng to two years, Feng Jianguo and Jing Rongyi to one year. Several of them were high profile representatives of two large house churches in Henan, the *Zhongguo Fangcheng Jiaohui* (China Fangcheng Church) and the *Zhonghua fuyin tuanqi* (Chinese Evangelical Fellowship).

SOME OF THE TARGETED GROUPS:¹¹

• **Lingling Jiao (Spirit Church)**

Lingling Jiao was reportedly originally established in Huaiyin County, Jiangsu province, in the mid 1980s by Hua Xuehe, a physical education instructor from Henan province. Official sources reported that Hua called himself the second Jesus and claimed to be able cure illness through chasing away evil spirits. The group reportedly spread quickly through several provinces including Anhui, Jiangxi, Hunan and Hubei.

In their meetings, *Lingling Jiao* practised "trembling" and speaking in tongues to summon the holy spirit to evaluate sins and to heal. The group allegedly preached that, as God would soon come to earth, members should prioritize evangelizing over labouring and earning a living. In the early 1990s the authorities cracked down on *Lingling Jiao*, determining it was a "heretical organization" which "disturbed production" and "disturbed normal religious activities", vying for patriotic church congregations.¹² Hua was reportedly imprisoned on charges of "counter revolutionary hooliganism", accused of "seducing naive women". In contrast, in 1995 Jiangsu authorities reported a more conciliatory approach, claiming that they had approved several of the sect's unregistered meeting places after "educating" the leadership to cease preaching the beliefs of the sect.¹³

On 2 July 1998 two other alleged leaders of *Lingling Jiao* in Anhui province, Jia Linxue and Zhu Shifa, were sentenced to 3 years' imprisonment by Huoqiu County People's Court for "organizing and using an heretical organization to undermine the implementation of the law". They were accused of secretly liaising with the top leadership of the outlawed group, enlisting many followers, sending some for training and establishing a managerial sub-branch from which they would travel to preach about the end of the world and the need to establish "God's

¹¹ Reports of arrests in the course of the crackdown do not always include the individual's names or specify the "heretical group" they allegedly belong to. For example on 15 December 1999 Jiang Chenggen (37), from Huanghua township in Zhejiang province, an alleged leader of a heretical organization, was arrested into criminal detention and 21 members were detained for "examination" after a raid on a meeting being held in Hongshan Village, Xinjiang province.

¹² "Zongjiao Zhengce Wenda" Jiangsu Jidujiao Lianghui, February 1994.

¹³ Amity News Service April 1996.

nation". They reportedly "created emotional disturbance causing people to lose interest in their jobs and livelihoods, thus disrupting social order."¹⁴

On 9 August 1999 the procuratorate in Fangcheng county, Henan province, formally arrested Guo Guangxue and Wen Qihui (female) on charges of "using an heretical organization to defraud property". Press reports claimed that since 1996 they had travelled widely spreading *Lingling Jiao* and calling on believers to contribute 1/10 of their property in order to avoid the coming conflagration.

• **Mentu Hui (Disciples Association)**

Mentu Hui is reportedly a continuation of the *Kuangye Zhaimen* (Wilderness Narrow Door) established in Shaanxi province in 1989 by Ji Sanbao who was imprisoned when the authorities closed the organisation down for "illegal activities". Members beliefs include rejecting medical treatment, opting for praying for healing.

There have been many reports of members of the *Mentu Hui* being detained, assigned to "re-education through labour" without trial or prosecuted in the past few years. Whilst some individuals have been prosecuted for alleged acts of violence, in the vast majority of publicised cases, there is no indication that those targeted were involved in activities which would legitimately be regarded as crimes under international standards.

In 1998 many provinces reported a concerted campaign against the "heretical organization". In March 1998 four alleged members of *Mentu Hui* were detained for administrative punishment in Minqin County, Gansu Province, even though the authorities admitted "Mentu Hui conducted no destructive activities in Minqin, although they did have an effect on political and social stability and on the productive life of the masses".¹⁵

On 14 April 1998 in Suning County, Hebei Province, Zuo Xiangxi (47) was administratively detained as an alleged leader of a group of seven members. He was reportedly accused of preaching that *Mentu Hui* believers would not die and god would cure illness. The official newspaper, *Hebei Politics and Law News* of 4 May 1998 stated that "the illegal organization not only delayed agricultural production but harmed the families". The only example given was that "one woman became agitated after joining, quarrelling with her husband so their relationship broke down".

In September 1998, member Xiao Xiuli was assigned to two years of "re-education through labour" by Tangshan City Re-education Through Labour Management Committee, Hebei province. He was also expelled from the Communist Party, accused of "causing a serious

¹⁴ Anhui Fazhibao. 11 August 1998.

¹⁵ Fazhi Daobao. 12 June 1998.

impact on the masses" through joining an illegal heretical organization and recruiting other members.

In August 1999 Qinghai Province publicised a similar crackdown, and "core members" of *Mentu Hui* in Datong County were assigned administrative punishment. Similarly, in Yongchang County, Gansu province, Li Ziyun and 13 others were administratively detained. The *Procuratorial Daily* reported on 30 September 1999 : " by becoming involved in illegal religious activity, many members abandoned their regular lives, damaging their health, harming social security". Tonggu County government in Jiangsu province reported in September 1999 that they were "following the spirit of the central government's Falun Gong instructions" when they detained 51 "core" *Mentu Hui* members for investigation.

Elsewhere, as with the Falun Gong, members have been prosecuted under Article 300 of the Criminal Law. In March 1999, for example, Chu Zhaoyi was sentenced to 3 years' imprisonment. He was accused of "using a heretical organization to cheat others into calling on god to cure illness, with the result that the victim was not cured, but died". Two other members were also detained. They had allegedly been involved in a group prayer and fasting session with a sick member who died shortly after. In November 1999, members Fang Shaozheng and Fang Shaoyong were sentenced to 4 years' imprisonment by Tengchong County Court, Yunnan province. They were accused of promoting prayer and the chasing away of devils to cure illness and of chanting and "spreading distorted heresies, alarming the masses, claiming the end of the world was near".¹⁶ They were charged with the crime of "organizing heretical organizations, using superstition to undermine the implementation of the law".

- **Chongsheng Pai (Rebirth faction/born again movement), also known as Ku Pai (Crying faction), and Quanfanwei Jiao (Holistic Church)**

The founder of this group, Xu Yongze, has been accused by the authorities of advocating the "doomsday theory" and inciting believers to cry loudly as a form of repentance so that they could be reformed and born again. He has been imprisoned or assigned to re-education through labour many times for his religious activities. According to the government, Xu was last sentenced in Zhengzhou City, Henan province, in December 1997 to three years' imprisonment for "disturbing social order."¹⁷ The case attracted international attention, and the government's justifications for his imprisonment have been widely contested by members of foreign based evangelical groups familiar with Xu's work. It is not clear whether the *Quanfanwei jiao* (Holistic Church) is a faction of the same group or another name for it, or a separate group. On 19 November 1999, Liu Guihua and 74 unnamed persons were detained in Xiangtan County,

¹⁶ Renmin Fayuanbao. 7 December 1999.

¹⁷ Unofficial reports alleged that he had been sentenced to 10 years imprisonment on 25 September 1997.

Hunan Province, as alleged members of the *Quanfanwei Jiao*. The *Quanfanwei Jiao* has been repeatedly labelled a "heretical organization" by government representatives.

• **Dongfang Shandian (Oriental Lightning)**

Dongfang Shandian believe that a woman surnamed Deng from Zhengzhou, Henan province, is the second coming of Jesus Christ. Members claim that her writings are a superior updating of the Bible. They reportedly target congregations from existing Protestant churches in aggressive evangelizing, calling on them to repent and "liberate the church by truth".

Established in the early 1990s, *Dongfang Shandian* has reportedly spread across several provinces including Henan, Shaanxi, and Shandong. By 1997 it was identified by official and mainstream but unregistered house churches as a "serious heretical threat", disrupting their work. In Shandong province, *Dongfang Shandian* had reportedly promoted millenarian ideas, with members handing over their savings to wait "for the end of times". Official newspapers have labelled it a "heretical organization" which is "tightly and secretly organized" and "promotes itself as Protestant, attacking the People's government and religious policy".¹⁸

In Tanghe county, Henan province, *Dongfang Shandian* members Liu Shunting and Zhao Fating were arrested in November 1999 for allegedly assaulting and seriously injuring their critics.

However, other alleged members have reportedly been arrested after simply being found in possession of *Dongfang Shandian* materials. This appears to be the case for two women, both aged 28, surnamed Liu and He, from Heilongjiang Province, who were arrested on 20 July 1999 in Tianjin Municipality.

• **Yiliya Jiao (Elijah Church)**

According to official sources, on 30 May 1999, a group of 40 members of an "illegal", "secret" community established by the *Yiliya Jiao* (Elijah church) in the mountains of Yilan County, Heilongjiang province, was discovered by local police following complaints by a former member. Four alleged leaders were detained. Many members had reportedly moved in Yilan county from other provinces when similar communities had been closed down. On 15 July 1999, they were returned by the police to their hometowns in Henan, Shandong and Jilin Provinces, but at least three alleged leaders were formally arrested.

Group members had pooled their property and established themselves in the mountains "to return to nature" and live by collective labour. They believed that western medicine was a poison to be avoided, and that pain and illness could be combatted through belief. The

¹⁸ Henan Fazhi Ribao 13 November 1999.

community reportedly had a hierarchical structure with some members assigned to internal discipline.

The alleged leaders identified as "those responsible" included Dan Yubo (female), 37, described as "director" of the community; Wang Yongxing, community accountant; and Huang Chunxi. It is unclear what charges these alleged leaders face. Official reports refer to the group variously as "secret", "illegal" or an "heretical organization". One asserts: "according to Yilan County Public Security Bureau, *Yiliya Jiao* doctrine frequently advocates anti-party, anti-government ideas on 'establishing the 10 Commandments Heavenly Kingdom', vilifying the Chinese Communist Party's leading position and the socialist system, confusing and poisoning the people's minds, and already encroaches on the criminal law".¹⁹

Since 1994 *Yiliya Jiao* groups had reportedly been established secretly in other areas in Heilongjiang, including Jiamusi and Dudanjiang. According to official sources, they were part of a highly organized hierarchy, with good communications between different locations. This reportedly enabled them to join together at short notice for a 3 day meeting with the group's founder, Korean Pu Minghu, the self styled "only king of the heavenly kingdom" in a hotel in Dalian on 25 February 1999.

2.3. The purging of Qi Gong based groups:

The ongoing crackdown has also extended to other Qi Gong organisations which promote breathing and meditation exercises similar to Falun Gong. The practice of Qi Gong has developed dramatically since the late 1980s with official backing and promotion as a unique Chinese asset. Many millions now practice Qi Gong in China in thousands of variants, each with their own figurehead or traditional master.

Qi Gong organizations have been able to legally register under the patronage of official organizations such as the Qi Gong Science Research Society which reportedly supervises 3,000 registered Qi Gong groups. One group that is reported to be registered with the Society is "Xiang Gong" whose members across the country are reportedly being monitored and investigated. Xiang Gong was founded in 1988 by Tian Ruisheng, now aged 73.

In August 1999, a spokeswoman from the Qi Gong Science Research Society dismissed claims that Xiang Gong would be cracked down on. She said: "... the Government will not interfere with any normal Qi Gong practices ... Qi Gong groups which support the Government and do not disturb unity and social stability will not be banned"²⁰ However, as detailed below, several

¹⁹ Yangcheng Wanbao 26 August 1999 duplicated in other press reports.

²⁰ South China Morning Post. 20 August 1999.

groups have been targeted by the authorities and their leaders detained, sentenced or placed under surveillance. Moreover, in August 1999 the central authorities also initiated further restrictions on Qi Gong activities.

A State Council (government) Notice (No.7/1999) was issued to all government organs on 29 August 1999, instructing them to implement the "opinions" it listed concerning the management of "health building" Qi Gong groups.²¹ The Notice described a range of "problems" allegedly generated by Qi Gong groups as justification for increased control of this "mass" health activity. The alleged problems include "illegal business activity", "illegal publication", "illegally practicing medicine in the name of Qi Gong", fraud, tax evasion, profiteering, and "illegal gatherings". Most of these could in fact be prosecuted under existing offences in the Criminal Law. The Notice reiterates that such groups must respect relevant laws and regulations and not endanger public security, or disrupt social order. In addition they must not "harm social stability, run counter to prevailing social mores, promote ignorant superstition, deify the founders, or harm citizens physical or mental health".

The Notice lists specific restrictions to be imposed on Qi Gong groups. Specific variants or schools of Qi Gong (*Qigong gongfa menlei*) may no longer register as social organizations. Only groups promoting general Qi Gong will be permitted, and these must be registered as independent legal persons. Such groups must have no covert or open networks of subordinates or vertical leadership structures. Certain types of Qi Gong demonstration, promotion, or rituals carried out in the name of Qi Gong are completely outlawed.²² Qi Gong activities must be, small scale, in one's locality, dispersed and voluntary. They cannot expand across district boundaries. They are forbidden in the communist party, government, military or media organs, or in foreign representative organs or foreigners residential compounds, ports, stations or airports, major squares and streets, primary and high schools. Also prohibited is the manufacture or trade in Qi Gong publications, audio or video tapes which are "flavoured with ignorant superstition", or deify a Qi Gong founder, as well as any item alleged to possess Qi Gong powers.

On 20 January 2000, the *China Youth Daily* reported that the head of the Ministry of Civil Affairs' Civilian Organisations Management Bureau, Wu Zhongze, had reiterated that Qi Gong groups generated problems, such as "spreading feudalism, superstition and pseudo-science", and publishing "illegal publications [which] fool people into giving them money, and setting up branch organizations at will". He reportedly gave details of concrete measures his Ministry had recently submitted to the Central authorities for approval. These appeared to go further even than the restrictions stipulated in State Council Notice No.77/1999. The proposed measures

²¹ "Notice of the General Office of the State Council on distributing the National Sports Commission, Ministry of Civil Affairs and Ministry of Public Security 'opinions on several problems in strengthening the management of health building Qi Gong activities'."

²² "Hui Gong". "Hong Fa". "Cheding". "Daigong baogao", and similar meetings.

included the disbanding, and the end to further legal registration, of any Qi Gong groups as social organizations (shetuan) at county or district level, as well as any groups promoting distinct schools of Qi Gong. Only government sports and health management departments would be permitted to act as sponsors (*zhuguan danwei*) for Qi Gong groups, and the latter would also need prior approval from registration organs at the higher level before they could legally register. Once registered, they would have to implement the system of 'seeking approval from higher level organs' for their activities.

TARGETED GROUPS:

- Guo Gong ("Nation Gong")

Alleged leaders of *Guo Gong* were detained in Sichuan province in November 1999. Founder Liu Jineng, a 30 year old peasant from Chongqing, and alleged "core members" Liu Jun, Deng Guoquan, Yuan Xingguo, Xiao Xingzhao and others, were detained in November in Mianyang city, Sichuan province, according to the *Sichuan Daily* and *Chongqing Legal System* newspapers. Yuan and Xiao were assigned to unspecified terms of re-education through labour. Liu and Deng were formally arrested, "suspected of illegal business crimes". The papers accused the group of distributing publications "without official authorization" or without registration numbers, allegedly reaping huge profits. Later reports added accusations that the four had established a "national illegal organization, the 'China Natural Extraordinary Powers Research Association' in 1994, and through organizations under its control concocted heresies and large scale feudal superstition ...seriously disturbing social order".²³

Liu Jineng reportedly set up his first "Natural Extraordinary Powers School" in Wanxian City, Sichuan Province, in 1992, and a second one in Mianyang City in 1994. The group also ran a correspondence course for thousands of subscribers, and by the time of their arrest, they reportedly had a network of 60 coaching stations in 22 provinces and municipalities.

- Cibeigong ("Compassion Gong")

On 8 September 1999, Xiao Yun, from Wuhan city, Hubei province, the alleged founder of "Cibeigong", was formally arrested as a rape suspect. Chinese newspapers reported in November 1999 that he had illegally published books and sold tapes, profiting by 70,000 Yuan, and had deceived at least 4 women into having sex with him as "joint practice for enlightenment" through which his Qi Gong skills would be transmitted. The police handling the case reported that whilst the original charge was rape, they had determined, after investigations, that Cibeigong was an "heretical organization". They were waiting for the judicial interpretations on heretical organizations ("the Explanation") which was issued on 30 October

²³ Chongqing Legal System News, 5 Nov 1999, quoting Wuhan Morning News.

1999 (see page 20) to pursue the case on this count: "following the issuing of the Explanation we will follow up Xiao Yun's criminal acts related to heretical organizations".

The press reports on the case stated that Xiao Yun, helped by his wife, Yang X, started a Cibeigong class in 1997 and thereafter set up at least five practice stations in Hubei, Hunan, and Jiangxi Provinces, attracting 900 members. Cibeigong teachings were reportedly largely copied from Falun Gong and promoted "doomsday ideas and other heresies" through which Xiao allegedly "controlled the spirits and thoughts of followers"

•. Zhong Gong ("China Gong")²⁴

During November and December 1999 numerous training institutes set up across the country by one of the biggest Qi Gong groups - Zhong Gong - were reportedly closed by the authorities. These included major schools in Fengtai District in Beijing and in Mei County, Shaanxi Province, where 2,000 practitioners were reportedly dispersed.²⁵ The Unicorn Group, a network of 60 related businesses reportedly presided over by the founder of the group, Zhang Hongbao, were closed down at the same time. According to recent reports, 600 adherents of Zhong Gong have been detained since October 1999 and 25 core leaders have been formally arrested.²⁶

Zhong Gong was set up in 1988 by Zhang Hongbao, aged 45. It is reportedly a legally registered traditional Chinese meditation group with over 1,000 exercise stations, 18,000 teachers and millions of adherents. By the time of the crackdown on the group in late 1999, Zhang had reportedly been under close surveillance for many months in Xian, but his current whereabouts are unknown. There has been no official confirmation or explanation of the authorities' actions, but some reports suggest that the authorities have already labelled Zhong Gong an "heretical organization".

Zhong Gong reportedly attracted many prominent official supporters, including Hubei province Party Secretary, Guan Guangfu, who introduced Jiang Zemin to a local Zhong Gong master in 1992. Only in 1998 Zhang Hongbao was reportedly awarded a prize by Shenyang City Government for excellence in the field of Qigong in a contest organized by the official All China Sports Union.

Zhong Gong reportedly combines Qi Gong with other elements of traditional Chinese culture in eight levels of exercise. The group's "eight principles" include "loving the country and obeying the law", "respecting discipline and maintaining secrecy". As with many Qi Gong programs, including many still advertising on officially authorized websites, practitioners are

²⁴ Also known as: Zhonghua Yangsheng Yizhi Gong (China Health and Wisdom Gong).

²⁵ Information Centre of Human Rights and Democratic Movement in China (ICHDMC). 19 & 31 Jan 1999.

²⁶ ICHDMC. 4 March 2000.

told they will develop good health and eventually healing powers through perfecting the exercises.

In mid January 2000, Chen Jinlong, responsible for Zhong Gong's Zhejiang training station, was sentenced to two years' imprisonment by Sanmen County Intermediate People's Court. He was reportedly accused of attempting to heal patients, without medical qualifications, through Zhong Gong. One patient reportedly deteriorated and had to be hospitalized for three months after opting for Chen's cure rather than conventional medicine. It is unclear precisely what offence Chen Jinlong was convicted of. One source reports it as "illegally practising medicine"²⁷ whilst Court officials confirmed only that he had been convicted of "accidentally injuring another". This charge is among those who can be brought against members of so-called "heretical organizations" for promoting a practice which may "harm people's health" (see below, page 21, the section on legislation).

Among other key members of Zhong Gong who may be brought to trial in the near future are Cheng Yaqin (f), from Qiqihar in Heilongjiang province, who was arrested in the southern city of Guangzhou on 12 October 1999, and Yan Canjuan (f), detained in Tianjin since 14 November 1999. On 3 March 2000, police in Qiqihar reportedly informed Cheng Yaqin's family that she had been formally arrested (charged) and her case placed on file for prosecution.²⁸

Other manifestations of traditional culture labelled 'superstitious' by the authorities were also the targets of a nationwide drive against illegal publications in 1999. Dai Mingyi was tried by the Beitang District People's Court, Wuxi city, Jiangsu province, in November 1999. He was sentenced to six years' imprisonment on the charge of "engaging in illegal business". The procuratorate accused him of illegally publishing without permits publications that did "serious harm to social order and disrupted market order". In May 1999 Jiangsu Province Press and Publications bureau had reportedly determined that books Dai published on fortune telling, and a journal, *Research on Life*, were illegal publications which were "against science and rationality and publicized feudal superstition and pseudo-science".²⁹

3. LEGISLATING TO LEGITIMIZE THE CRACKDOWN

Since July 1999, a whole series of 'decisions', 'notices', 'regulations', 'judicial interpretations' and other official documents have been issued by the government and judiciary to orchestrate the crackdown on Falun Gong and other "heretical organizations". In October 1999, China's legislature, the National People's Congress, also adopted a "decision" to legitimize the government's crackdown. Many of these official documents contain specific instructions on

²⁷ ICHRDMC. 19 January 2000.

²⁸ ICHRDMC. 4 March 2000.

²⁹ Xinhua News Agency. 15 February 2000.

how to conduct the crackdown, how to use the law to charge those detained, and how to conduct trials. Some also introduce further restrictions on freedom of expression, association and belief in China. These documents are cited or examined below.

- On 22 July 1999, the Ministry of Civil Affairs issued a Decision banning "the Research Society of Falun Dafa and the Falun Gong organization under its control" as "illegal organizations".
- On 22 July 1999, the Ministry of Public Security also issued a Notice based on the above Decision by the Ministry of Civil Affairs. The notice announced sweeping new prohibitions related to the ban on Falun Gong, including prohibition of the right to 'petition' which is guaranteed by the Chinese Constitution. These prohibitions were:
 1. Everyone is prohibited from displaying in any public place scrolls, pictures and other marks or symbols promoting Falun Dafa (Falun Gong);
 2. Everyone is prohibited from distributing in any public place books, cassettes and other materials promoting Falun Dafa (Falun Gong);
 3. Everyone is prohibited from gathering a crowd to perform 'group exercises' and other activities promoting Falun Dafa (Falun Gong);
 4. It is prohibited to use sit-ins, petitions and other means to hold assemblies, marches or demonstrations in defence and promotion of Falun Dafa (Falun Gong);
 5. It is prohibited to fabricate or distort facts, to spread rumours on purpose or use other means to incite [people] and disturb social order;
 6. Everyone is prohibited from organising or taking part in activities opposing the government's relevant decision, or from establishing contacts [with other people] for this purpose.

The same month, the Ministry of Personnel also issued a circular, stipulating that government civil servants were prohibited from practising Falun Gong. In a further circular issued by the General Office of the State Council (central government), local governments and departments under the State Council were asked to "properly deal with civil servants who have practised Falun Gong".

- On 28 August 1999, the General office of the State Council (government) also issued a Notice on the implementation of "opinions" issued by three government bodies "concerning certain problems in strengthening the management of healthy Qi Gong activities". This Notice (No.77/1999) introduces restrictions for all Qi Gong groups.

This notice was one of the first signs that the crackdown on Falun Gong might be extended to other Qi Gong groups (see above, pages 13-18). The Notice was addressed to all government departments and local governments, asking them to implement "conscientiously" the "opinions" it contained. It first noted that in recent years people's involvement in Qi Gong activities had developed rather quickly, but that a number of problems had appeared at the same time. One

of these was the use of certain types of Qi Gong meetings to conduct "illegal gatherings", which, together with other "illegal" Qi Gong activities, "endangered public security, disrupted social order and harmed social stability". The Notice did not elaborate on why these gatherings were "illegal" or why they "harmed social stability", but it made clear that they must not be allowed. It also listed other specific restrictions (see above, page 14-15).

Two months later, the National People's Congress (China's parliament) adopted a decision which legitimized the government's crackdown on so-called "heretical organizations".

- On 30 October 1999, the Standing Committee of the National People's Congress (NPC) passed a "Decision on Banning Heretical Organizations and Preventing and Punishing Heretical Activities".

This Decision was said to be based on existing legislation, but it effectively called for a political crackdown against "heretical organisations ... Qigong or other illicit forms". It states: "All corners of society shall be mobilized in preventing and fighting heretical organizations activities, and a comprehensive management system shall be put in place." An official from the NPC commented in December 1999 that the Decision provided "a legal system to ensure the efforts of banning heretical organizations, preventing and punishing heretical activities, safeguarding social stability, protecting people's interests and guaranteeing the smooth progress of reform, opening up and socialist modernization."³⁰

The Decision states that, in carrying out the crackdown on "heretical organisations", the principle of "combining education with punishment" should be followed in order to "unify and instruct the majority of the deceived public and to mete out severe punishment to the handful of criminals." Official commentaries show, however, that those liable to receive criminal punishments are more than a "handful of criminals" - they may in fact include all those who refuse to renounce their beliefs or who peacefully protest or appeal against the ban on their organization. According to such commentaries published in October and December 1999, those to be punished "according to law" include not only the organisers of banned organizations, but also those "active" or "enthusiastic" participants "who refuse to mend their ways despite repeated education". Furthermore, even those "who surrender themselves to the law or have done a deed of merit" may not totally escape punishment: according to the commentaries they "can be dealt with leniently, have a reduction of sentence or be granted exemption from punishment according to law."³¹

³⁰ Interview with Hou Zongbin, Chairman of the NPC International and Judicial Affairs Committee, Xinhua news agency, 7 Dec 99, BBC Monitoring, 8 Dec 99.

³¹ Interview with judicial officials by Xinhua news agency, 30 Oct 99, in BBC Monitoring, 1 Nov 99, and interview with Hou Zongbin by Xinhua, 7 Dec 99, op. cit.

In the case of Falun Gong practitioners, this means that anyone who has petitioned the authorities or taken part in peaceful assemblies or demonstrations against the ban on the group, or who continue to practice Falun Gong despite the ban, is liable to be punished.

- At the same time as the NPC Decision, the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) issued on 30 October 1999 a judicial interpretation entitled "Explanation on Questions Concerning the Concrete Application of Laws in Handling Criminal Cases of Organizing and Making Use of Heretical Organizations" [hereafter cited as SPC/SPP Explanation].

In a commentary on the SPC/SPP Explanation cited by the official Xinhua news agency on 19 November 1999, the "person in charge of the Beijing Municipal High People's Court" said that this judicial interpretation will help courts to "distinguish more accurately whether or not an offence has constituted a crime and whether or not a crime is serious. Consequently, the people's courts will be able to integrate severe punishment with lenient treatment, severely punish an extremely small number of criminal elements ... and educate and save hoodwinked people and criminal elements who have repented and rendered meritorious services".

The SPC/SPP Explanation defines the specific activities which will be considered crimes and punished under the Chinese Criminal Law (1997), notably Article 300 of the law (see below). It shows that many activities which involve the peaceful exercise of fundamental human rights, such as peaceful assemblies and demonstrations, are treated as crimes.

Article 300 of the Criminal Law sets out the punishments for people who "form or use secret societies or heretical organizations" or who use "superstitious beliefs" for certain purposes. Article 300 is divided into three sections, with sections 1 and 2 providing for the same punishments. Section 1 punishes those who use 'heretical' groups or superstition "to undermine the implementation of the law or administrative rules and regulations of the State", while Section 2 deals with those who use such groups "to deceive people and cause death". Both are punished with terms of imprisonment from three to seven years, or by "not less" than seven years' imprisonment in cases which are considered "especially serious".

According to the SPC/SPP Explanation, the activities which fall under Section 1 of Article 300 include gathering people to "besiege" government institutions or enterprises, or holding "illegal assemblies" or demonstrations in public places. They also include any of the following activities: resuming the banned groups or continuing their activities, instigating others into civil disobedience, publishing, printing, duplicating or distributing publications or symbols of the "heretical organizations", and "other activities that violate State law or administrative regulations". The Explanation states that the cases which are considered "serious" (punishable by at least seven years' imprisonment) are those involving the setting up of heretical organizations or recruitment of members "across provinces", or "collaboration with overseas

groups", or publishing or distributing sect materials in "large amount", or else instigating members to violate laws or regulations when this results in "serious consequences".

The SPC/SPP Explanation also gives a definition of "causing death", as covered under Section 2 of Article 300. According to the Explanation, this refers to cases in which "heretical organisations" and other such organizations "deceive their members or others to practice fast, inflict wounds upon themselves, or prevent patients from taking normal medical treatment, resulting in their illness or death". "Serious" cases of "causing death" (punishable by at least seven years' imprisonment) are those in which individuals are deemed to have caused at least three deaths or injury to many people or "other special serious consequences", or those in which people "who have received criminal or administrative penalties for engaging in heretical activities continue to establish or use heretical organisations to deceive people, resulting in deaths". According to the Explanation, these offences may also be treated as "attempted murder" or "inflicting injury" and punished severely under other articles of the Criminal Law.

In addition, Section 3 of Article 300 punishes those who use 'heretical' and other such organisations or superstition "to rape women or swindle money and property". Charges of swindling and rape are often brought against leaders of charismatic religious groups in China. "Rape" is usually given a very broad meaning. The SPC/SPP Explanation defines "rape" as being the use of "seduction, coercion, deception or other ways to sexually exploit women or young girls". Section 3 of Article 300 provides for this offence to be punished as "rape" under article 236 of the law (by anything from three years' imprisonment to the death penalty). It also provides that "using heretical organizations or superstition" for "swindling" will be punished as under Article 266 of the law, by penalties ranging from "public surveillance" to life imprisonment.

The SPC/SPP Explanation also provides for members of 'heretical organizations' to be charged with ostensibly political "crimes". It states that those who form or use "heretical organizations" in order "to organize, scheme, carry out or instigate activities of splitting China, endangering national unity or subverting the socialist system" shall be dealt with according to the provisions on 'state security' offences, as stipulated in the Criminal Law.

- On 5 November 1999, the Supreme People's Court issued a Notice giving instructions to local courts on how to handle the cases of people charged with crimes for "organising or using heretical organisations, particularly Falun Gong." [Hereafter cited as SPC Notice.]

The SPC Notice (No.29, 1999)³² was addressed to all high people's courts of provinces, municipalities and autonomous regions, the military affairs court of the People's Liberation Army, and the 'Bingtuan'³³ division court of the High People's Court of the Xinjiang Uighur Autonomous Region.

This Notice was issued shortly before the trials of Falun Gong leaders and organisers started. It gave an unambiguous political message, making clear to all courts that it was their "political duty" to punish those charged with crimes for their role in "heretical organisations", "particularly Falun Gong".

The Notice called on courts at all levels to "unify their thinking", "grasp the heretical character of Falun Gong" and the "threat" it represented, and "fully understand" the spirit of the important directives given by the central authorities on "how to deal with and resolve the Falun Gong question". In a language reminiscent of that used in the distant past, the Notice said the courts must be "fully aware" of the "important, complex and long-term" nature of this "struggle" (*douzhen*); they must make it their "serious political duty" to punish "every kind of heretical organizations crime" and fulfill their role by "resolutely imposing severe punishment". It called on courts to correctly use "the law and policy" in distinguishing between different kinds of "contradictions", so as to "treat leniently" people who have been deceived and "punish severely" the "small number of criminal elements".

Finally, the Notice made it plain that "courts at all levels" must handle these cases "under the leadership of the Party committees" and of their political-legal committees. Courts were also instructed to "unite closely" with the police and the procuracy, and "vigorously" bring to trial the cases presented to them for prosecution by the procuracy. Higher courts were asked to supervise lower courts and use the media to publicize some significant cases in order to increase the social impact of the trials. Other means were also to be used to publicize the results of some trials so as "to educate the large masses of people" and make them aware that 'heretical organisations' were "opposing science, humanity, society and the government".

- On 24 November 1999, the Ministry of Public Security also issued some "Regulations on Managing Mass Cultural and Sports Activities", which are intended to control and restrict certain types of public gatherings, including those by Qi Gong groups. They specifically ban gatherings that "threaten national security and public order" without further defining what this "threat" might be.

³² The Notice is entitled "Notice of the Supreme People's Court Concerning the Implementation of the 'Decision of the NPC Standing Committee on Banning Heretical Organizations and Preventing and Punishing Heretical Activities' and the SPC/SPP Explanation".

³³ The 'Bingtuan' is the 'Production and Construction Corps', a unique administrative and economic institution with a military structure, which exists only in the Xinjiang Uighur Autonomous Region.

Under the regulations, holding concerts, sports meetings, Qigong or other body exercises, and other mass congregations involving more than 200 participants in public places "shall be subject to approval by public security (police) departments above the county level." Events which may involve more than 3,000 participants require approval by the public security body at or above the prefecture level, and events involving two or more localities shall get the go-ahead from a higher public security department responsible for these areas.

Nine categories of gatherings are specifically prohibited under the regulations, including those that "violate the fundamental principles of the Constitution, or endanger national security and public order; infringe upon customs of ethnic minorities, violate ethnic unity and instigate national separatism; propagate superstition and heresy, pornography and violence that are detrimental to the health of the people." This prohibition goes far beyond the crackdown on Falun Gong or the control of Qi Gong activities. It potentially empowers the police to prohibit any group's cultural or sport activities which they deem to be a "threat". The regulations also rule that "mass congregations shall not be held near places of government agencies above the county level, radio and television stations, foreign embassies and consulates, military establishments and other vital institutions ..."³⁴ The regulations also empower the police to fine or detain people who do not comply with these provisions.

4. POLITICALLY MOTIVATED CHARGES

The charges brought against most members of Falun Gong who have been prosecuted under the Criminal Law are essentially political in nature. They include "disturbing social order", "assembling to disrupt public order", "stealing or leaking state secrets" and "using a heretical organization to undermine the implementation of the law". This latter charge is in fact a catch-all phrase for a variety of other accusations which range from organising demonstrations to using the Internet to disseminate information about Falun Gong. Some people have also been charged with "taking part in illegal businesses" or "illegal trading" because they printed, published or sold Falun Gong publications, videos or cassettes - in most cases this referred to publishing or selling such publications before the group was banned when such activities were not illegal. Two examples of the use of such charges are given below.

Xu Jinliang, a manager at the Science, Technology and Culture Service Centre in Shandong province, was charged on 25 November 1999 with "using a heretical organization to undermine the implementation of the law" and "being involved in an illegal business". He was accused of having created 4.3 million cassette tapes and videos promoting Falun Gong teachings - one of the largest such collections of videos and tapes. He also allegedly transferred large sums of

³⁴ Xinhua news agency, 24 Nov 99, BBC Mon 24 Nov 99, and Zhonguo Tongxun She news agency, Hong Kong, 3 Dec 99.

money into an account for the Falun Gong. Official sources have not explained what was "illegal" in these activities, apart from the banning of Falun Gong.

Xu Yingquan, a deputy division head of the Changchun city Public Security Bureau, was reported in October 1999 to have been charged with "gathering a crowd to disturb social order" and "printing illegal publications". According to China Women's News from October 1999, Xu Yingquan was one of five people charged with this offence. He was reportedly detained for having "plotted in December 1998 to take more than 300 Falun Gong practitioners to surround Jilin TV station" and for having "gathered more than 10,000 practitioners outside Liaoning province Party Committee offices". These protests occurred long before the ban on Falun Gong.

A few people who have been tried as key members of Falun Gong were also charged with "causing deaths", a vague accusation whose validity in these cases has not been demonstrated by the authorities (see above, pages 6-7 for further information on this issue).

As to the more ostensibly political charge of "leaking state secrets", it is commonly used in China against people detained in violation of international human rights standards. It has often been used against people who have published or made available to people outside China information which the Chinese government considers to be sensitive. Such information is often treated as a "state secret" even though it would not be regarded as such in many other countries. In the case of Falun Gong practitioners, this charge seems to have been used mainly against people who have circulated information about the crackdown on the group, or the detention and ill-treatment of practitioners. Some examples are cited later in this report.

5. UNFAIR TRIALS AND HARSH SENTENCES

The information available from many sources, including Chinese official sources, shows that the trials of those prosecuted for their role in Falun Gong were grossly unfair – the judicial process was biased against the defendants at the outset and the trials were a mere formality. In most of the cases, legislation was used retroactively to secure convictions and defence lawyers were prevented from entering pleas of "not guilty" on behalf of their clients. This in itself breaches fundamental principles of international law.

In addition, before the trials started, it was made clear to the courts that they should "fully understand" the political importance of these cases and treat them accordingly. This usually means finding the defendants guilty, whatever the charges or the evidence against them. A Notice issued by the Supreme People's Court on 5 November 1999, for example, gave clear political messages to all local courts, instructing them notably to do their "political duty" in bringing to trial and punishing "severely" those charged with "heretical organizations crimes",

"particularly Falun Gong", and to handle these cases "under the leadership of the Party committees" (see above, page 22, for further information on this notice).

At least 40 members of Falun Gong are known to have been tried in various places in China since November 1999. The total number of those tried is believed to be higher, with some trials being held secretly or without being publicly reported. Chinese official sources have publicised the trials and sentences passed against some alleged leaders or key members of Falun Gong, most of whom have received harsh sentences. Most of these trials have been closed to the public, though selected information on the cases has been widely publicized by the state media. In one particularly significant trial held in Beijing in late December 1999, part of the court hearing was shown on Chinese central television. Despite the high profile given to these cases, the Chinese authorities have not provided evidence that the defendants were involved in activities which would legitimately be regarded as 'crimes' under international standards. In other cases, trials have been held behind closed doors and, in some cases, even the relatives of the defendants were denied access to the court.

The information available on a number of cases shows that these trials have been grossly unfair. Some of these cases are described below. Amnesty International believes that the prisoners have been arbitrarily detained, convicted and sentenced for the peaceful exercise of fundamental human rights, in violation of international human rights standards.

• LI XIAOBING AND LI XIAOMEI

Li Xiaobing and Li Xiaomei, two sisters from Beijing, were among 22 Falun Gong practitioners who were tried in secret in Beijing on 28 January 2000, in three separate sessions of the Dongcheng district Court. Li Xiaobing and Li Xiaomei were tried in one of the court sessions and sentenced to seven and six years' imprisonment respectively. Their case illustrates in several respects the arbitrariness of the judicial process against members of Falun Gong.

The two sisters were charged with and convicted of "illegal trading". This charge referred to the sale of Falun Gong publications by the two sisters, who were running a bookstore in Beijing before their arrest. Both, however, had been arrested on 20 July 1999 - two days before Falun Gong was banned - and the sale of Falun Gong publications was not illegal before the ban. Following their detention by police, they were held for over three months without charge, in violation of the provisions governing the time limits for detention without charge in the Chinese Criminal Procedure Law. They were denied contact with their family throughout their detention and their relatives were not allowed to attend their trial.

On 15 August 1999, before formal charges were even issued against them, the official Xinhua news agency published accusations against them, showing clearly that they were already considered guilty. The Xinhua report described them as "key members" of the "outlawed" Falun Dafa Research Society in Beijing and accused them of earning large sums of money from the

sale of Falun Gong publications and audio-visual material since 1997, with most of the money being given to another "leading" member of the Falun Gong, Yao Jie (f), who was tried and sentenced in Beijing in December (see below). Xinhua also said that the two sisters had contracted and registered a bookstore in Dongcheng district in 1998 "in the name of others", "using it as a base to spread the fallacies of Falun Gong". According to unofficial sources, the Ditan bookstore and audio-video shop, which the sisters run, was a legal business. It belonged to the Wenhua Publication Corporation, itself subordinated to the Ministry of Culture. Furthermore, the sale of Falun Gong books and other material was not illegal until the group was banned on 22 July. This fact however appears to have been ignored and legislation was used retroactively to convict them. According to unofficial sources, their lawyer was put under pressure not to present a plea of "not guilty" at their trial.

It is clear that several fundamental principles of international law were violated in these cases, and that some standards of Chinese law itself were ignored or bent in order to convict Li Xiaobing and Li Xiaomei. They were illegally detained for three months without charge; legislation was used retroactively in order to charge and convict them; they were presumed guilty long before they were tried; they were tried in secret and their right to defence was severely restricted.

• LI JIANHUI

Li Jianhui is another member of Falun Gong who is reported to have been denied the right to plead not guilty at his trial, in violation of international standards for fair trial and of Chinese law itself. Li Jianhui, a Falun Gong contact person in the southern city of Shenzhen, was detained together with his wife, Dai Ying, in September 1999. Dai Ying was released in November without being charged, while Li Jianhui was charged with "using a heretical organization to undermine the implementation of the law". According to various sources, shortly before his trial on 24 January 2000, the Futian district court in Shenzhen forced Mr Li's chosen defence lawyers to withdraw from the case because the lawyers had decided after studying the case to plead 'not guilty'. The court appointed another lawyer instead, reportedly denying him too the right to plead not guilty by telling him that he could only plead for "leniency". Li Jianhui's trial was reportedly postponed after two hours without a verdict being reached. There has been no news of his case since then.

• GU ZHIYI

Gu Zhiyi, aged 63, female, a retired senior lecturer of the Chongqing Taxation School, Sichuan province, and a Falun Gong contact person in Chongqing, was detained on 20 July 1999 - two days before the government banned the Falun Gong. She was charged with "using a heretical organization to undermine the implementation of the law" and indicted on 3 November 1999, according to the *Chongqing Daily* of 4 November. She was tried by the Yuzhong district Intermediate People's Court in Chongqing on 21 November 1999. The trial is said to have lasted

over 10 hours but it ended without the court announcing a verdict. There has been no news about her case since then. According to Falun Gong sources, Gu Zhiyi was tortured during interrogation while in police custody, including by being given electric shocks.

Gu Zhiyi, a member of Falun Gong since 1992, was accused of leading the organization in Chongqing, of inviting Falun Gong leader Li Hongzhi to give lectures there, and of having received materials from Wang Zhiwen, who was later tried in Beijing as a "key" Falun Gong member (see below). She was also accused of having organized several thousand followers to "besiege" the offices of two newspapers to get them to apologise for the publication of two articles about the Falun Gong entitled "Free: Beautiful Temptation and Trap" and "Inebriated, confused and stupefied woman hospitalized after becoming possessed from practising Falun Gong."³⁵ These protests against the newspapers had taken place in October and November 1998. There is no indication that these protests were violent and no action was taken by the authorities at the time against the alleged organisers.

According to unofficial sources, during her trial, Gu Zhiyi's defence lawyer did not attempt to plead "not guilty", but he pointed out several times at inaccuracies and inconsistencies in the prosecution's evidence against her, and questioned why a key prosecution witness had not been brought to testify in court. The judge, however, ruled against all the attempts made by the defence lawyer to challenge the prosecution's evidence. The trial was reportedly open to members of the public who had been given admittance tickets in advance. In view of this, it is believed that the trial ended without a verdict due to the obvious inadequacy of the prosecution's evidence. There has been no further information about the verdict.

None of the accusations against Gu Zhiyi would constitute "crimes" under international standards. Furthermore, they relate to activities which were not considered illegal in China at the time they were carried out. It is clear that the charges against her were politically motivated and that her detention and trial violate international human rights standards.

• LI CHANG, WANG ZHIWEN, JI LIEWU AND YAO JIE

The most high-profile trial to have taken place to date is that of Li Chang, Wang Zhiwen, Ji Liewu and Yao Jie (female). They were described by Qian Xiaoqian, Director General of the State Council Information Office, as "four former senior government officials". All four were members of the Chinese Communist Party (CCP). Li Chang, aged 59, is a former departmental deputy director at the Ministry for Public Security; Wang Zhiwen, aged 50, is a former official with a company under the Ministry of Railways; Ji Liewu, aged 36, was the manager of a Hong

³⁵ Zhongguo Xinwen She news agency, Beijing, in Chinese, 4 Nov 99.

Kong subsidiary of a government metals company; and Yao Jie, 40, was the Communist Party secretary of a large real estate company in Beijing.

All were accused of holding leadership positions within the Falun Gong movement. They were charged on 19 October 1999 with "organizing and using a heretical organization to undermine the implementation of the law", "causing deaths by organizing and using a heretical organization" and "illegally obtaining and leaking state secrets". These charges referred to their activities before Falun Gong was banned. Li Chang was detained on 20 July - two days before the ban - and it is believed that the others were detained around the same date.

On 26 December 1999, after a hearing at the Beijing No.1 Intermediate People's Court, the defendants were found guilty as charged and sentenced. Li Chang was sentenced to 18 years' imprisonment, Wang Zhiwen to 16 years' imprisonment, Ji Liewu to 12 years' imprisonment and Yao Jie to seven years' imprisonment.

Part of the trial was 'open' to a selected audience of government cadres and reporters from the official media. The hearing of the "state secrets" charges was held behind closed doors. Only one family member per defendant was permitted to attend the 'open' part of the trial and, according to Falun Gong sources, relatives of the four defendants were detained ahead of the court hearing "as a warning". Foreign reporters were excluded. They were told that "their presence was a violation of regulations controlling news gathering" and were ordered to leave.³⁶

The official news agency Xinhua reported on 26 December that "during the trial, some of the defendants argued that they had no idea which laws they had broken".³⁷ According to official reports, the main accusations against the defendants related to their alleged role in setting up the structure of Falun Gong and in organising a number of protests, including the peaceful demonstration by 10,000 people in front of the Zhongnanhai CCP leadership compound in Beijing on 25 April 1999. The defendants were accused of having set up "39 command posts, more than 1,900 training centres and more than 280,000 contact posts" of Falun Gong across the country, and of having "plotted and directed" 78 protests, including the 25 April demonstration. They were also accused of "stealing 37 state secrets" and of disseminating them or including them in protests letters. No detail was published about the nature of the alleged "state secrets". According to Falun Gong sources, this referred to the contents of official documents about the crackdown on Falun Gong. Official reports also indicate that the charge of "causing deaths" was not substantiated beyond the general accusation that Falun Gong activities "caused deaths", as previously alleged by official sources (see above, pages 6-7), and that no evidence was presented of a direct link between the alleged deaths and specific actions of the defendants. The Xinhua report of 26 December said that some of the defendants had "claimed" that they were in no way responsible for these deaths. Xinhua cited a Chinese legal

³⁶ BBC News. 26 December 1999.

³⁷ Report in English by Xinhua. Beijing, 26 December 1999. in BBC Mon.. 26.12.99.

expert's comment that the deaths "were the result of cult activities which the defendants helped to organise" and that "if the defendants had directly caused or forced the deaths or suicides, they would have been charged with homicide and received more severe punishment."

According to official sources, Li Chang, who received an 18 years' prison sentence, and Yao Jie, who received seven years, had been treated "leniently" because they had made "confessions". There are grounds to be concerned about the way in which these "confessions" were obtained - according to unofficial sources, the defendants were held incommunicado for several months after their arrest.

The trial and verdict against the defendants received wide coverage by the state media. Part of the trial was subsequently shown on Chinese central television news. The four defendants were shown admitting to having organized group activities, including the 25 April 1999 demonstration in front of Zhongnanhai. Yao Jie was said to be in tears and to have expressed regrets for having "caused trouble for the Party." Commenting on the trial on 28 December, a Foreign Ministry spokeswoman described the four defendants as "backbone elements" of the group, and said that their sentencing was "an embodiment of China's principle of ruling the country by law."

This trial - described above as an embodiment of China's "rule by law" - was grossly unfair. It was clearly staged by the authorities as a show trial for which the verdict was determined in advance.

◦. SONG YUESHENG, CHEN YUAN, JIANG SHILONG AND LIANG YULIN

The first trial of Falun Gong practitioners took place on 12 November 1999 at the Intermediate People's Court in Haikou, the capital of Hainan province in south China. According to a court official, the trial lasted seven hours. The defendants, Song Yuesheng, Chen Yuan, Jiang Shilong and Liang Yulin (female), were accused of having organized a number of peaceful protests against the ban on Falun Gong. They were found guilty of the charges of "using a heretical organisation to undermine the implementation of the law" and "seriously disturbing social order".

Song Yuesheng was sentenced to 12 years in prison; Chen Yuan to seven years'; Jiang Shilong received a lesser sentence of three years', reportedly for showing "sincere remorse", and Liang Yulin reportedly admitted her "guilt with a good attitude" as a result of which she was given a "lenient" prison sentence of two years.

Details of the trial proceedings have not been disclosed. An official report by Xinhua on 12 November 1999 merely cited the accusations against the defendants. It described Song Yuesheng as an "organiser, schemer and commander" of Falun Gong in Hainan. He was accused of having organised 13 illegal protests in Hainan between 22 July 1999, when Falun

Gong was banned, and 9 September 1999. One of these protests, on 8 August 1999, was an exercise session in a Haikou park attended by 183 people, which caused "grave consequences", Xinhua said. Song Yuesheng reportedly escaped from police custody in August. He was also accused of having travelled to 10 other cities "inciting" fellow practitioners to join in a civil disobedience campaign. The four defendants were given ten days to appeal against their sentences. On 30 November 1999 the Haikou High People's Court rejected their appeals, upholding the original sentences as "appropriate" and the verdict as "correct".

None of the accusations against the defendants relate to activities which would legitimately be regarded as crimes under international standards. Amnesty International believes that they are arbitrarily imprisoned for the peaceful exercise of fundamental human rights.

• YU CHANGXIN

Yu Changxin, 74 year old retired air force lieutenant general, is reported to have been sentenced to 17 years' imprisonment in a secret court-martial on 6 January 2000, for his alleged links to Falun Gong. He was reportedly detained in July 1999, suspected of having masterminded the 25 April 1999 demonstration outside the Zhongnanhai leadership compound in Beijing, though according to some sources he had nothing to do with it.³⁸ Yu Changxin was reportedly accused of helping Falun Gong to expand its membership and publish books, and held responsible for the deaths of practitioners who refused medical treatment when ill, like other alleged leaders of Falun Gong.

• LI FUJUN

Li Fujun, a 37-year old assistant professor at Xinxiang Medical College in Henan province, was sentenced on 30 December 1999 to four years' imprisonment on the charge of "using a heretical organization to undermine the implementation of the law". A court official subsequently confirmed the verdict to a foreign news agency, but gave no further detail of the case.³⁹ Unofficial reports suggest that Li Fujun was charged with this offence for having written an article arguing that Falun Gong could help cure illness, which was posted on the Internet.⁴⁰ Li Fujun had been detained on 29 October 1999, after taking part in a silent protest with other practitioners in Beijing's Tiananmen square, and indicted on 19 November.

• XU XIANGLAN AND WANG HANSHENG

A husband and wife, accused of being leaders of the Falun Gong in Wuhan, Hubei province, were sentenced on 6 January 2000 after being found guilty of "organizing and using a heretical

³⁸ ICHRDMC. 14 January 2000: Reuters. Beijing, same date.

³⁹ Agence France Presse. Beijing, 3 January 2000.

⁴⁰ ICHRDMC. 19 November 1999.

organization to undermine the implementation of the law". The Wuhan Intermediate People's Court sentenced Xu Xianglan (female) to eight years' imprisonment and her husband, Wang Hansheng, to six years' imprisonment. According to a Xinhua report of 6 January, prosecution proceedings began against the couple on 12 December 1999 and a public hearing began on 23 December, with a public trial and sentencing being held on 6 January 2000. Xu Xianglan was described as the "principal criminal" and her husband as an "accessory".

Xu Xianglan was accused of having set up the Wuhan branch of Falun Gong, and taken a leading role in setting up other branches in several provinces and coordinating their relations. She was also accused of having mobilized Falun Gong practitioners on nine occasions in June 1998 to "illegally gather" outside the offices of the *Changjiang Daily* newspaper – each of these gatherings involved several dozen people, the Xinhua report said. Both she and her husband were additionally accused of having published, copied and sold a large amount of Falun Gong books and other materials between May 1996 and May 1999. Their activities were said to have "seriously undermined social order".

All the accusations against them referred to their Falun Gong activities before the group was banned. The Xinhua report cited the court as saying that Xu Xianglan was given a "light" sentence and Wang Hansheng had his sentence "reduced" because "they had confessed their crimes after they were arrested and showed a good attitude", "resolutely pledged to cut off their ties with Falun Gong and displayed repentance".

• XU XINMU

Xu Xinmu, deputy director of Shijiazhuang City's personnel division, Hebei province, and a Falun Gong contact person in Shijiazhuang, was reportedly tried in secret and sentenced to four years' imprisonment in late December 1999 or early January 2000 for "leaking state secrets". He had been detained on 20 July 1999, two days before the government officially announced the banning of Falun Gong. According to Falun Gong sources, he was accused of having forewarned Falun Gong practitioners via the Internet that President Jiang Zemin had issued a directive to government authorities to crack down on Falun Gong.

6. ADMINISTRATIVE SENTENCES

In addition to the high-profile trials at which heavy terms of imprisonment have been passed on alleged leaders of Falun Gong, thousands of practitioners have been detained "administratively". Ye Xiaowen, Director of the State Council Bureau for Religious Affairs, was cited as saying in November after one demonstration by Falun Gong practitioners that the mostly elderly protesters were being "re-educated" and treated "in a humanitarian spirit" and that most had

already been sent back to their provincial hometowns.⁴¹ In practice, however, "re-education" has meant detention for many people.

Since the beginning of the crackdown in 1999, many people have been detained for up to 15 days of administrative detention, under detention orders issued by the police. Some have been detained repeatedly in this fashion. Many others have been assigned to periods of up to three years' detention for "re-education through labour". This is a punishment imposed by local government committees or by the police alone, without charge or trial, which is usually served in a forced labour camp. Practitioners who do not "reform" after a short period of detention, may face a lengthier period of "re-education" in police custody or be sent to a labour camp. In a case reported on 11 January 2000, for example, Jiang Yunhong, a Falun Gong practitioner detained in Sichuan province, was reportedly being threatened by police with being sent to a labour camp if he continued to refuse to give up his Falun Gong beliefs. He had been first detained for 15 days in the administrative detention centre of Jiuru village, Chengdu city, but instead of being released he was transferred to the criminal detention centre of Lianhua village. His current fate is unknown.

In November 1999 alone, hundreds of practitioners were 'sentenced' without trial to terms of "re-education through labour". Many others have received such sentences since then. The reports received by Amnesty International show that this arbitrary punishment has been used against practitioners in many places across the country. In most cases, they received this punishment simply for going to Beijing to petition the central authorities against the ban on Falun Gong, or for taking part in peaceful protests or group exercises in their home province. Some of these reports are cited below.

Hundreds of practitioners in northeast China were sent to 'labour re-education' camps since October 1999. Among them was a couple from Changchun city in Jilin province, Wang Yuxiang and his wife Sun Shufeng. They were detained in September 1999 when they went to Beijing to appeal against the ban and sent back to Changchun. In Changchun, they were held in police custody for a few days, then released, but re-arrested two or three days later and each sentenced without trial in mid-October to one year of "re-education through labour". Twelve women, all school teachers, were also reportedly sent to serve one year of "re-education through labour" in a labour camp in Changchun city at the end of October 1999. The teachers, including two identified as Ding Xiaoxia and Li Sulan, were Falun Gong practitioners from Liaoyuan city in Jilin province. They had reportedly gone in a group to Beijing just before China's National Day on 1 October to appeal against the ban. Twelve of them were detained and several others fined. Ding Xiaoxia is said to be an outstanding English teacher in a middle school.

In November 1999, some 150 female Falun Gong practitioners were reportedly serving sentences ranging from one to three years in a labour camp for women in Changchun city, the

⁴¹ Reuters, Beijing, 4 November 1999.

Hezhuizi labour camp. The prisoners reportedly had to carry out hard work for long hours every day and family visits were not always allowed. A group of imprisoned practitioners reportedly went on hunger strike at the camp in December to protest against their treatment.

In Liaoning province, among Falun Gong practitioners detained in November 1999 in Jinzhou city, at least 35 were reported to have been 'sentenced' that month to terms of two and three years of "re-education through labour" and sent to a labour camp. Those who received three years' terms included Dai Ligu, Yi Houmei, He Goujun, Jia Jinwen, Feng Wenguang, Shang Peng and Wang Zhifei.

In Heilongjiang province, in the extreme north of China, scores of practitioners from Daqing, Jixi, Mishan, Qiqihar, Jiamusi and other cities are reported to have been sent to "re-education through labour" camps. They include Ma Xuejun, reportedly a key Falun Gong contact from Jiamusi city, who was assigned to three years' "re-education through labour" in November 1999. His wife was reportedly unemployed and his imprisonment left her and their child without any means of financial support. In Daqing city, Wang Tianyou, Wang Bing and four other practitioners were reportedly sent to a labour camp in early January 2000 for drafting a letter to President Jiang Zemin calling for a stop to the persecution of Falun Gong practitioners. The letter was reportedly signed by 284 practitioners from Daqing. In Mishan, Wang Junhua (f), a member of Mishan city's People's Political Consultative Conference, was sentenced in December 1999 to three years of "re-education through labour" for refusing to give up her Falun Gong practice and refusing to promise that she would not go to Beijing to appeal to the authorities. She had been first detained on 24 September 1999 and held for 64 days without charge. Eleven days after her release, she was re-arrested and sentenced without trial.

The *Sichuan Daily* of 13 November 1999 reported the case of Ruan Xianming (f), a 47-year old former employee of a company in Yaan city, Sichuan province, and allegedly a key member of Falun Gong there, who had been 'sentenced' to one and a half years of "re-education through labour". The newspaper reported that she was sentenced "for being unrepentant, for putting up resistance, for continuing with illegal activities and for harbouring vain attempts to revive Falun Gong." After the ban on Falun Gong, Ruan Xianming had reportedly continued to invite people to practice exercises in public places, "refused to mend her ways despite being summoned to the police station for education", and maintained contacts with "key" Falun Gong members from outside the province. She had also reportedly written letters to the State Council and other government bodies to appeal against the crackdown, and was planning to organise practitioners to "go to Beijing to take a look", the newspaper said. However, the public security (police) had "discovered her attempt in time", it said, and sentenced her to "re-education through labour".⁴²

Also in Sichuan province, at the end of November 1999, the Leshan city Public Security Bureau reportedly announced that six Falun Gong practitioners had been assigned terms of "re-

⁴² *Sichuan Daily*, 13.11.99. BBC Summary of World Broadcast 17.11.99.

education through labour". Zhai Youjia, Xiang Quanguo and Wei Lan were assigned three years' terms, and Tong Jiang, Ai Hua and another un-named female practitioner were given terms of one and a half years. Prior to their sentencing, they had been held at the Leshan Detention Centre with over 100 other practitioners. Xiang Quanguo's wife, Huang Yiqiu, was reportedly fined 1000 yuan for having helped other people obtain Falun Dafa books. Many other cases have been reported of Falun Gong practitioners being sent to labour camps without trial in Sichuan province.

In one case, Hong Jirong (f), 62, a professor at Sichuan University, Chengdu city, was reported in January 2000 to have been 'sentenced' to three years of "re-education through labour" for suspected involvement in writing a letter of appeal to United Nations Secretary General, Kofi Annan. The letter was signed in the name of practitioners in Sichuan province.

In Hebei province, scores of practitioners were reported to have been sent to 'labour-reeducation' camps in November 1999. In many cases, they were punished for going to Beijing to appeal to the authorities against the ban. They included, for example, nine practitioners from Shijiazhuang who were assigned to between two and three years of "re-education through labour" on 3 November 1999: Zhou Ximeng(f), Qiu Liying(f), Wu Huiqing, Huang Wei, Dang Lanfeng, Liu Fengming, Wang Jing, Bai Yuzhi(f) and Liu Lihui. It is not clear whether all of them are women, though this is confirmed in three of the cases. Qiu Liying (f) had reportedly been detained on 17 October 1999 in Tiananmen Square in Beijing after she went there to appeal against the ban. She was initially taken to a police station, then held in a detention centre until being sent to a labour camp to serve her sentence. Zhou Ximeng (f), 35, was the president of an architectural company in Shijiazhuang and reportedly a key contact person at the Falun Dafa assistance centre in the city. She was accused of having disseminated information about the crackdown on Falun Gong through the Internet⁴³ and received a three years' term. Another woman in this group, Bai Yuzhi, received the same sentence.

Qiu Liying, Zhou Ximeng and Bai Yuzhi are reportedly held together with other practitioners in a labour camp for women in Hebei province, the Tangshan city No.1 Labour-Reeducation Centre. On 19 January 2000, the women practitioners reportedly went on hunger strike at the camp to protest at punishments imposed on them for practising Falun Gong exercises. These included being made to stand outdoors for long periods in freezing temperature of 15 degrees centigrade below zero. Zhou Ximeng was reportedly still on hunger strike on 27 January. Her current situation is not known.

An official from the Hebei province Public Security (police) Department, Tao Hongsheng, was also reportedly sentenced to three years of "re-education through labour" in January for his Falun Gong activities. According to Falun Gong sources, Tao Hongsheng was arrested on 25 December 1999 when he and another man from Shijiazhuang city, Wu Bing, unfurled a banner

⁴³ Associated Press, Beijing 6 November 1999, citing an article in the official newspaper *Legal Daily*.

in the name of 'Falun Dafa' in Tiananmen square in Beijing. Tao Hongsheng was reportedly taken back to Hebei province and questioned by police for a week, but refused to renounce his beliefs. He was expelled from the party, removed from his post and given a three years sentence. Wu Bing, a teacher at Shijiazhuang's Middle School No.18, received two years of "re-education through labour".

In Guizhou province, Lu Anqiu, former Deputy Secretary of Tuchen City Communist Party Committee, was assigned to three years of "reeducation through labour" on 29 December 1999. The Disciplinary Committee of Xishui county, Guizhou province, also expelled him from the Communist Party for refusing to give up his belief in Falun Gong.

Many other cases have been reported in which sentences of "re-education through labour" have been imposed on Falun Gong practitioners in the provinces cited above as well as other provinces, including Shandong, Henan, Hubei, Hunan, Zhejiang, Fujian, and the Xinjiang Uighur Autonomous Region.

7. REPRISALS AND SENTENCES FOR SPEAKING OUT ABOUT THE REPRESSION

The repression of Falun Gong has been unusually well reported outside China due to the high number of practitioners living around the world and the use of the Internet by some practitioners in China. However, a number of people have received prison sentences or long terms of administrative detention for speaking out about the repression or giving information over the Internet. Others have been punished for communicating with the foreign press or for organising press conferences.

Liang Qing (f), from Dalian city, Liaoning province, is reported to have been sentenced without trial to three years of "re-education through labour" for having sent information about the torture of fellow practitioner Zhang Chunqing (f) to the foreign media.⁴⁴ Liang Qing was reportedly first detained for 26 days from 20 July 1999 at the Yaojia detention centre in Dalian, and detained again on 24 October. Reports say that Liang Qing's computer and other equipment were confiscated. Zhang Chunqing (f), who had given an account of her ill-treatment at the Yaojia detention centre in September, was also re-arrested in late October and sentenced to three years of "re- education through labour". She is held at the Mashanjia labour camp.

Four practitioners from Zhaoyuan county in Shandong province, Li Lanying, Chen Shihuan, Liu Jinling and Chi Yunling, are reported to have been detained in November 1999 for disclosing details of the death due to torture of Zhao Jinhua, a female Falun Gong practitioner who died in police custody in October in the province.⁴⁵ The Chinese authorities have admitted that Zhao

⁴⁴ See AI's report. ASA 17.54.99 of 22.10.99. op.cit.

⁴⁵ Idem.

died in police custody but denied that this was as a result of torture by police. Unofficial sources, however, provided details of her torture in detention and other information indicating that the local authorities subsequently tried to cover up the circumstances of her death. In December 1999, Li Lanying and Chen Shihuan were reportedly assigned to three years' "re-education through labour" to be served in a labour camp in Zibo county, Shandong province. Liu Jinling and Chi Yunling were reportedly still in custody in January 2000. It is not known whether they too have been sentenced.

Zhang Ji, a 20-year old computer science student from Heilongjiang province, has been accused of "using the Internet to spread subversive information". Before his detention in October 1999, Zhang Ji had been studying at Qiqihar University in Heilongjiang province. He is reported to have sent information by email to the United States and Canada on the persecution of Falun Gong practitioners in Heilongjiang province. According to a report on the case in the Legal Daily of 8 November 1999, the police in Qiqihar "cracked a case which used the Internet to communicate with foreign Falun Gong websites, transmitted information on Falun Gong to Falun Gong exercise stations and disseminated rumours". The newspaper report said that Zhang Ji had downloaded materials from the Falun Gong websites and passed them on to practitioners in Heilongjiang which "subsequently led to several illegal Falun Gong gatherings in Beijing".

Zhang Haitao, a computer engineer, is reported to have been detained in Changchun city, Jilin province, on 29 July 1999 and charged in October with "inciting subversion against state power" for helping set up and maintain the first Falun Gong website. Zhang, a 30-year old computer engineer, worked at the Rising Sun Computer Company. He was accused of having put out an "urgent appeal" on the website after the banning of Falun Gong in July, telling Falun Gong practitioners to protest against the ban. The website was closed down by the Chinese authorities on 24 July. It is not known whether Zhang Haitao has been tried.

Others reported to have been punished for speaking out or publishing information about the repression include Sha Yusong, who reportedly received one and half years of "re-education through labour" due to the publication on the Internet of his experiences in detention, and Wang Zhiguo, a former policeman from Anshan city, Liaoning province, who was accused of organizing a press conference for foreign journalists.

8. DETENTION IN PSYCHIATRIC HOSPITALS

Several cases have been reported in which Falun Gong practitioners, alone or in groups, were taken by police to mental hospitals where they were detained for periods varying from a few days to several weeks, and often forced to take drugs against their will.

On 20 January 2000, Yang Yong, a spokesman for the Changguang police station in Fangshan district in Beijing, confirmed to a foreign journalist that around 50 "extremist" followers of the banned Falun Gong movement had been locked away in a psychiatric hospital near Beijing. Yang Yong reportedly said that his police force was responsible for Falun Gong practitioners, the majority of them women, held at the Zhoukoudian psychiatric hospital. He told the journalist that the practitioners "are not patients, they are there to be re-educated ... Most of them are Falun Gong extremists who have been to Beijing to protest at least 10 times".⁴⁶ This confirmed information reported on 2 January 2000 by Falun Gong sources that 52 practitioners had been sent by the Fangshan district police in Beijing to a psychiatric hospital located in Zhoukoudian. The practitioners, who were named in the reports, had been detained on 6 December, reportedly to prevent them demonstrating during the handover of Macau to China, and were then sent to the Zhou Koudian mental hospital. After being held there for nearly two months, they were released on 26 January. According to the reports, their family were asked to pay 800 to 1000 yuan to cover their "living expenses" while they were detained.

In Shandong province, several practitioners from Jiaozhou city were reportedly detained in September 1999 in a mental hospital together with mental patients. Two of them were identified as Wei Huayu, an employee of the Jiaozhou Accounting Firm, and Tan Guihua, a worker at the Third Shoe Factory of Jiaozhou. At the time their detention was reported on 12 October, both had been held for over 20 days in the hospital. Throughout that period they were reportedly forced to take sedatives. Their current fate is not known.

In Henan province, four practitioners were reported on 29 January 2000 to be held in a mental hospital in Xinxiang city. They were identified as Jiang Zhaochang, from Puyang city; Lu Baona, from Jiaozuo city; Li Kangqing, a doctor, and Zhao Qiaomin, a nurse from a hospital in Zhenzhou, Henan province. The four were reportedly held in the Second Mental hospital of the Xinxiang Medical Institute of Henan province, because they had gone the Beijing twice to appeal against the crackdown on Falun Gong and refused to give up their beliefs. By 29 January, they had reportedly been held for more than a month. Their current fate is not known.

Other cases have been reported, and several detailed testimonies by identified practitioners about their detention in mental hospitals have been published by Falun Gong sources. Amnesty International has documented in the past a few other instances of prisoners accused of political crimes who were detained in psychiatric hospitals.

9. OTHER PUNISHMENTS

⁴⁶ Agence France Presse 20 January 1999.

A number of Falun Gong practitioners are known to have been heavily fined, dismissed from their jobs or expelled from the Communist Party because of their Falun Gong beliefs. Some of those unable to pay the heavy fines have been detained. In cities like Beijing, police have reportedly raided suburban hotels and guest houses and fined landlords for housing followers of Falun Gong. In some places, practitioners have been subjected to public humiliation to force them to renounce their beliefs and warn others. In Shandong province, for example, a police official from Guangrao county reportedly stated in January that in late December 1999 six Falun Gong members were forced "to parade in public with signs round their necks and their hands cuffed behind their backs." The signs reportedly condemned their actions. The police official reportedly added that the punishment had been very successful in reducing the number of Falun Gong followers in the county.⁴⁷

Civil servants and members of the Communist Party who were followers of Falun Gong have been disciplined and punished if they did not "correct their mistakes". On 22 July 1999 The Central Committee of the Chinese Communist Party of China (CCP) issued a circular prohibiting Party members from any Falun Gong activities and saying that Party members' participation in Falun Gong activities has "tarnished the image of the Party and made very bad impression in society". Party members were told to make a "clean ideological break" from Falun Gong. The circular warned that those who were "key members ... and have committed serious mistakes will be given disciplinary punishment" and those "who refuse to correct their mistakes after repeated education will be asked to give up their Party membership, and those who refuse to give up their Party membership will be expelled from the Party."⁴⁸

Civil servants were prohibited from practising Falun Gong in a circular issued in July 1999 by the Ministry of Personnel. A further circular issued by the General Office of the State Council, requested that local governments and departments under the State Council "properly deal with civil servants who have practised Falun Gong" stating that those "who have been politically motivated and have organized illegal gatherings with a result of disturbing social order and causing social instability should be sacked".

Among other examples, Zhou Jiaying (f), a member of the Chinese People's Political Consultative Conference from Chongqing, Sichuan province, was "relieved of her duties" on 10 January 2000 after she protested at the crackdown on Falun Gong and called for it to be allowed to legally register with the Qi Gong Science Research Society. In Jilin province, Jin Guangri (f), of the Yanbian notary public office, Changchun city, was reportedly expelled from the Communist Party for refusing to renounce her beliefs. Also expelled from the party was a branch Party secretary, Wang Zhidong. He had reportedly protested against the ban in Changchun city on 24 July 1999 and refused to renounce his belief in Falun Gong after 25 days

⁴⁷ AFP. Beijing. 20 January 2000.

⁴⁸ Transcribed text of Xinhua. Beijing. 22 July 1999. FBIS-CHI-1999-0722.

of "education" in police custody. In these cases, it is not known whether further punishments involving detention were imposed.

The official news agency Xinhua also reported on 29 November 1999 that the official Qinghai People's Publishing House in Qinghai province had been suspended by the State Press and Publication Administration for printing "illegal Falun Gong publications". Those responsible had been punished, it said. The publishing house was accused of having published four books in January 1999 "that promote the banned Falun Gong cult" and of having printed "a number of books spreading feudalism, superstition and pseudo-science" from July 1998 to April 1999. Xinhua reported that the Qinghai provincial government had sent a team of investigators to the publishing house and "those responsible were either removed from post or demoted".

10. TORTURE, ILL-TREATMENT AND DEATHS IN CUSTODY

Amnesty International is deeply concerned by the numerous reports alleging that detained followers of Falun Gong have been tortured or subjected to cruel, inhuman and degrading treatment in detention. While it is difficult to verify these reports, many of them contain specific and detailed information about the circumstances in which torture is reported to have occurred, and the testimonies of individuals who were held in the same place often corroborate each other. These reports describe patterns of torture which are known to be common in China. Amnesty International believes that the serious allegations made in these reports should be impartially investigated, in line with China's obligation as a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China ratified in 1988.

In October 1999, Amnesty International published a document entitled "Reports of Torture and Ill-treatment of Followers of the Falun Gong" [AI Index: ASA 17/54/99, 22 October 1999]. Since then there have been many new reports of detained practitioners being tortured or otherwise ill-treated, in some cases resulting in death. A few of these reports are cited below.

Liu Juhua, from Tangshan city, Hebei province, who is currently serving a three-year term of "re-education through labour", was reportedly tortured in police custody. Liu Juhua and another practitioner, Yang Xuezhen, were detained in Beijing on 22 September 1999 after resisting a police officer who tried to take away some Falun Gong books they had with them. Both were reportedly ill-treated, including by having their hands roped behind their backs to their feet and being burned with cigarettes on their hands. According to unofficial sources, they were taken the same day to the Beijing Qinghe Detention Centre and interrogated until 2 o'clock in the morning. They were deprived of sleep and were not allowed to talk to anybody. After three days they were sent to the Kaiping Detention Centre in Tangshan city. At the detention centre they met another practitioner, Zhang Shuzhen, who had also just been escorted back from Beijing

by the police. She too had reportedly been tortured with electric shock batons, beaten with a large club and forced to stuff dirty underwear and socks into her mouth.

Among other cases, it was reported in January 2000 that practitioners from Shunyi county near Beijing were brutally tortured after attempting to attend the trial of Li Chang, Wang Zhiwen, Ji Liewu and Yao Jie in Beijing in late December 1999 (see above). One of those detained by the Shunyi police was Cheng Fengrong (f), aged 42. According to the reports, police slapped Cheng Fengrong while handcuffing her to a tree and later beat her with a broom which eventually snapped into two pieces. She was then reportedly forced to stand barefoot in the snow, punched and kicked, and had two basins of cold water poured onto the back of her neck which froze under her feet.

Deaths in custody:

Since September 1999, at least ten Falun Gong practitioners are reported to have died in police custody in circumstances which remain unclear, some reportedly as a result of torture. Two of these deaths were previously documented by Amnesty International in the report cited above. They concern the cases of **Zhao Jinhua** (f), a farmer from Zhaoyuan county in Shandong province, who was reportedly beaten to death in police custody on 7 October 1999, and **Zhao Shulan** (f), 50, from Jinzhou city in Liaoning province, who reportedly died in early October 1999 after being on hunger strike in detention for several days.

Official sources have confirmed that at least three Falun Gong practitioners died in police custody. On 8 November 1999, Li Bing, deputy head of the information office of the State Council, confirmed that three female Falun Gong practitioners had died after being detained for their Falun Gong activities, but he denied they had been tortured. Citing police reports, Li Bing said that **Zhao Jinhua** of Shandong province (cited above) and **Li Ruhua** of Chongqing, Sichuan province, "had previous heart conditions and died of heart failure". Zhao Jinhua "had collapsed during questioning and died in the lavatory", while Li had died in hospital, he said.

The third death in custody confirmed by Li Bing was that of **Chen Ying** (f), an 18-year old student at Shuren High School in Jiamusi, Heilongjiang province. Li Bing stated that she had "died after jumping from a train while being sent back to her home town ... accompanied by local officials".⁴⁹ Chen Ying had travelled to Beijing to join fellow practitioners in petitioning the authorities about the ban on Falun Gong. She was detained by police in Beijing and was being escorted home by train. A police officer interviewed by Reuters on 27 October 1999 said that Chen Ying "was not abused ... She was a stubborn element and jumped on her own to give her life for Falun Gong ... When the train reached Hebei province one hour after leaving Beijing, she went to the toilet and jumped from the train, catching police off guard". According to the Reuters report, the police officer declined to comment on another case, that of **Zhao**

⁴⁹ Reuters. Beijing. 8 November 1999.

Dong, 38, from Jixi city in Heilongjiang province, who reportedly also jumped from a moving train and died from injuries sustained in the fall. A Falun Gong representative cited by Reuters said that Zhao had jumped after being tortured by police and that his "body was found with handcuffs still on his wrists".

Other cases of deaths in custody which have been reported since then include the following:

Dong Buyun (f), 36, a Falun Gong practitioner and school teacher from Lanshan district, Linyi city, Shandong province, reportedly died on 21 September 1999 while being held in custody in her school. She had been arrested earlier in Beijing and sent back to Lanshan under police escort. According to Falun Gong sources, following her death, local officials in Langshan claimed that Dong Buyun was killed when she jumped out of a building in the middle of the night, but gave no further explanations. Her body was reportedly cremated the same day. There has been no official report on her case.

Gao Xianming, 41, a practitioner from Guangzhou in Guangdong province, reportedly died in police custody on 17 January 2000. According to unofficial sources, Gao Xianming was detained in Tianhe park in Guangzhou city on 31 December 1999 where he and ten other practitioners were having lunch. He was later sent to the Tangxia detention center in Tianhe district. On the afternoon of 18 January, Gao Xianming's family received notification of his death from the public security section of Jinan University. The police claimed that Gao Xianming had lost consciousness suddenly after being on hunger strike at the detention center for several days. They said he had been sent to a hospital for emergency treatment but had not recovered. According to unofficial sources, while detained, Gao Xianming had been forced-fed with highly salted water while he was tied up and his nose was covered with wet towels. It is suspected he may have suffocated due to this treatment. Another practitioner who had been detained in November 1999 subsequently claimed that he and others held at the Tangxia and Tianhe detention centers had received the same treatment when they went on hunger strike; he stated that he had nearly suffocated to death when his nose was squeezed and salted water was poured into his mouth.

Liu Zhinan (f), a practitioner from Fangshan district, Beijing, is reported to have died from gas poisoning in a police station on 17 January 2000. Liu Zhinan, who was over 40 years old, was detained on 10 January 2000 with two other female practitioners, Pu Shunan, aged in her 40s, and Li Fuhua, aged 30. All were from the Changgougu coal mine in the Fangshan district of Beijing. They were detained for appealing for other Falun Gong practitioners and taken to the Zhoukoudian police station, where they were reportedly required to work at shovelling snow and undertaking cleaning. On 14 January, after having their lunch in the boiler room of the police station, the three women became unconscious and were taken to a hospital in the Yanshan district for emergency treatment. Pu Shunan and Li Fuhua recovered, but Liu Zhinan never regained consciousness. Family members were allowed to see her in the mortuary but were told by the police that they should not disclose the news of Liu Zhinan's death to other practitioners.

Liu Xuguo, a 29 year-old engineer, allegedly died in a labour camp on 11 February 2000 due to injuries sustained when he was force-fed by police. According to the report,⁵⁰ Liu Xuguo had been arrested in October 1999 for protesting against the ban on Falun Gong, given a sentenced of three years of "re-education through labour" and sent in early February to a labour camp in Jining, Shandong province. He reportedly started a hunger strike at the camp just before 5 February, but was taken to a hospital the following week and brutally force-fed with a tube pushed down his throat which caused injuries to his lungs. According to an AFP report, this was denied by the detaining authorities and the hospital refused to comment on the case.⁵¹

Chen Zixiu (f), a 60 year-old practitioner from Weifang in Shandong province, reportedly died under torture on or before 21 February 2000 while held by police in Weifang. She had been detained for only four days when she died. According to her daughter, the family was asked to come and fetch her body on 21 February and found it covered with bruises, with her teeth broken and blood coming out of her ears. Chen Zixiu has been arrested on 17 February on suspicion she was planning to go to Beijing to petition the authorities against the ban on Falun Gong. Police then reportedly requested her family to pay a fine of 1,000 Yuan for her release, but the family could not raise the money.

As far as is known, there has been no impartial investigation into any of the reported cases of death in custody which are cited above.

11. DETENTION OF PRACTITIONERS AROUND THE MACAU HANDOVER

Some Falun Gong practitioners were detained in Macau and some deported in the days running up to the handover of sovereignty of Macau to China, at midnight on 19 December 1999. One practitioner from Macau has also been detained in south China.

On 10 November 1999, Zhang Yuhui, a Falun Gong practitioner from Macau was detained in Guangdong province on suspicion that he had been liaising with mainland practitioners to organize protests during the handover of Macau. Zhang Yuhui was reported to be an active practitioner in Macau who had written essays criticizing the mainland crackdown.

Ten Falun Gong practitioners were expelled from Macau to Hong Kong on 17 and 18 December. On 19 December, Sun Jie, from the US, and three Hong Kong residents were taken away by police after holding up a banner in central Macau. Practitioners from Australia, mainland China, Hong Kong and Malaysia, as well as a six year old south Korean girl and a nine year old boy, were also detained by police and deported after performing Falun Gong exercises in a park opposite Macau's main casino, Hotel Lisboa.

⁵⁰ ICHRDMC. 22 February 2000.

⁵¹ AFP, Hong Kong. 22 February 2000.

The detentions, deportations and threats of imprisonment in Macau contradicted specific assertions on basic freedoms made by the territory's authorities in October 1999 to the Human Rights Committee of the United Nations. Amnesty International expressed concern at the time that these incidents around the handover set a poor precedent for the implementation of the one-country two-systems model in Macau.

In an interview with the Hong Kong Standard, published on 11 January 2000, Macau's Secretary for Security Cheong Kuoc-va was cited as saying that the activities of Falun Gong practitioners "would not be deterred if they do not affect social stability." He also said that those Falun Gong practitioners who were held and deported during the handover period were detained because they were non-residents of Macau. He added that "Macau residents have the right to protest, but tourists visiting Macau have no such right".

Although Falun Gong has not been banned in Macau, Cheong Kuoc-va stated in this interview that the "Falun Gong is not registered in Macau and I understand the mainland authorities consider it to be an evil cult". He added that Macau police would pay attention to anything that was "unusual".

According to an article in the Hong Kong Standard of 17 January 2000, a Falun Gong practitioner interviewed in Macau said that he and a few fellow practitioners had been able to do their meditation exercises in parks in Macau without being bothered by the authorities following the previous month's handover. He said they had applied for registration of a "Falun Gong Institute" in Macau six months earlier, but the application had been turned down by the pre-handover government because it was "too sensitive".

Many overseas Chinese who visited China in November and December 1999 have also been detained in various places in China for practising Falun Gong or taking part in Falun Gong activities. Some subsequently reported being beaten and tortured by police while they were detained. They were usually released after a few days and expelled from China. Some were detained for as long as two weeks without charge.

12. HARASSMENT OF FOREIGN JOURNALISTS

On 10 November 1999, The Foreign Correspondents' Club (FCC) of China sent a letter of protest to the Chinese Foreign Ministry about official "intimidation and harassment" of foreign correspondents in relation to news reporting of the crackdown on Falun Gong. The letter said that "members have been followed, detained, interrogated and threatened".

Many foreign journalists attended a news conference organized covertly in Beijing on 28 October by members of the Falun Gong. The Foreign Ministry claimed that foreign journalists who attended and covered the event had engaged in "illegal reporting". Later on, journalists

from a number of news organisations, including Reuters, the New York Times and the Associated Press, were questioned at length by police, obliged to sign a "confession of wrongdoing" and had their work and residence papers temporarily confiscated. Several of the reporters were put under police surveillance. Foreign correspondents also complained that television satellite transmissions had been interfered with while being routed through China Central Television.