

## ***CHINESE PERSECUTION OF FALUN GONG***

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**Abstract:** In 1992, Falun Gong, a spiritual practice, was introduced to the Chinese public. Chinese practitioners of Falun Gong faced arrest and abuse at the hands of government officials because of their chosen spiritual pursuit. In 1999, the Chinese government officially banned the Falun Gong spiritual movement. This governmental action led to an increasingly political segment of Falun Gong and an increasingly violent crackdown on the movement by the government. The violent crackdown has led to protests worldwide and lawsuits against many top Chinese government officials.

The right to freedom of religion is one of the most fundamental tenets of life in the United States. Many of the Nation's founders fled religious persecutions abroad and made the right to freedom of religion a fundamental right enshrined within the constitution of the United States.<sup>1</sup> Freedom of religious belief is not only an American right, freedom of religious belief and practice is articulated in numerous international instruments including: The Universal Declaration of Human Rights<sup>2</sup>, the International Covenant on Civil and Political Rights<sup>3</sup>, the Helsinki Accords<sup>4</sup>, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief<sup>5</sup>,

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<sup>1</sup> The Constitution of the United States is available at <http://www.law.cornell.edu/constitution/constitution.overview.html>.

<sup>2</sup> On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. The full text of which is available at <http://www.un.org/Overview/rights.html>. Article 18 of the Declaration states that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." *Id.* It should be noted "although the Universal Declaration was not legally binding when it was adopted a universal standard, today, nation-states are bound by it as a matter of customary law." Eleftherios Georgiou, *China: Where the Failure to Adhere to Domestic Political Laws Often Leads to Religious Oppression*, 20 N.Y.L. SCH. J. INT'L. & COMP. L. 355, 360 (2000).

<sup>3</sup> Available at [http://193.194.138.190/html/menu3/b/a\\_ccpr.htm](http://193.194.138.190/html/menu3/b/a_ccpr.htm).

<sup>4</sup> Available at <http://www.hri.org/docs/Helsinki75.html>. The Helsinki accords, proclaimed in 1975, states that the "participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." *Id.*

<sup>5</sup> Available at [http://193.194.138.190/html/menu3/b/d\\_intole.htm](http://193.194.138.190/html/menu3/b/d_intole.htm). This Declaration was adopted in 1981.

and the European Convention for the Protection of Human Rights and Fundamental Freedoms.<sup>6</sup>

Despite the almost universally recognized fundamental right to freedom of religion, China has a history of abuse and persecutions of religion. “China’s policies on religion have fluctuated between bloody repression and grudging tolerance. Freedom of belief is enshrined in the constitution for five approved religions, Buddhism, Islam, Taoism, Catholicism and Protestantism.”<sup>7</sup> However, the Chinese government bans “folk religions” including “fundamentalist Muslims and Christian denomination outside the government controlled organizations.”<sup>8</sup> In fact, in March 2003, Secretary of State Colin L. Powell designated China as a country of particular concern<sup>9</sup> due to China’s severe violations of religious freedom under the International Religious Freedom Act.<sup>10</sup>

The People’s Republic of China is an authoritarian state in which the Chinese Communist Party is the paramount source of power.<sup>11</sup> Party members hold almost all top

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<sup>6</sup> Available at <http://www.echr.coe.int/Convention/webConvenENG.pdf>.

<sup>7</sup> John Pomfret, *Evangelicals on the Rise in the Land of Mao; Despite Crackdowns, Protestant Religious Groups Flourishing in China*, WASHINGTON POST, Dec. 24, 2002 at A1.

<sup>8</sup> *Id.* For instance, Chinese authorities, “following orders from Beijing, have conducted a withering crackdown against Christians...sending hundreds to labor camps for crimes as mundane as possessing foreign books.” *Id.*

<sup>9</sup> Press Statement, Richard Boucher, Assistant Secretary, Bureau of Public Affairs, March 5, 2003, “Designations of ‘Countries of Particular Concern’ Under the International Religious Freedom Act,” available at <http://www.state.gov/r/pa/prs/ps/2003/18302.htm>.

<sup>10</sup> The International Religious Freedom Act of 1998 states that “The right to freedom of religion is under renewed and in some case, increasing assault in many countries around the world. More than one-half of the world’s population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice.” The act establishes commission on International Religious Freedom that reviews practices and makes policy suggestions. The President is allowed to take action based on these suggestions including delay or cancellations of cultural and state visits and exchanges and limitation or suspension of security assistance. The text of the act is available at <http://www.state.gov/documents/organization/2297.pdf>.

Government, police and military positions.<sup>12</sup> According to the Human Rights Practices reports for 2001, the Chinese government’s “respect for religious freedom remained poor and crackdowns against unregistered groups...continued. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention and denial of due process.”<sup>13</sup>

During 2001, the Chinese government utilized “laws on subversion and endangering state security to threaten, arrest and imprison a wide range of political, religious, and labor activists and dissidents.”<sup>14</sup>

Article 36 of the Chinese Constitution grants Chinese citizens the right to religious freedom. The Constitution states, “no state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or not believe in, any religion.”<sup>15</sup> In fact, Article 36 begins with the phrase “citizens of the PRC enjoy freedom of religious belief.”<sup>16</sup>

However, the Chinese Communist Party rarely protects the constitutional rights of Chinese citizens. This is mostly attributed to the Constitution also states that only *normal* religious activity is protected.<sup>17</sup> “Numerous scholars...have defined the word ‘normal’ to

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<sup>11</sup> Human Rights Practices Reports 2001, *available at* <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8289.htm>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> P.R.C. Const. Art. 36. An English translation is available at [http://www.oefre.unibe.ch/law/icl/ch00000\\_.html](http://www.oefre.unibe.ch/law/icl/ch00000_.html).

<sup>16</sup> *Id.*

mean ‘legal religious activities.’”<sup>18</sup> The Chinese government deems what is a legal religious activity, namely the five approved religions.

This lack of protection is readily apparent in the Communist Party’s crackdown on the Falun Gong spiritual movement. Falun Gong, also known as Falun Dafa<sup>19</sup>, is a form of qigong, the “practice of refining the body and mind through special exercises and meditation.”<sup>20</sup> Falun Gong is not a religion in the traditional sense. There is no organizational structure or scripture. However, Falun Gong does incorporate some tenets of Buddhism and Taoism, which are combined with the meditation exercises to achieve perfect spiritual and physical health.

Li Hongzhi is the founder and teacher of Falun Gong and made the practice public in China in 1992. Li is often referred to as “Master” or “Teacher” as a sign of respect. But he is not accorded special treatment, nor does he accept or receive money or donations from the students of Falun Gong. He has given lectures on Falun Gong in countries around the world and for his contributions to humanity, he has been a two-time Nobel Peace Prize nominee.<sup>21</sup> Li Hongzhi left China in 1996 and now resides in New York.

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<sup>17</sup> *Id.*

<sup>18</sup> Georgiou, *supra* note 1 at 372.

<sup>19</sup> For more information on the Falun Gong spiritual movement, please see <http://www.falundafa.org>, <http://www.fofg.org>, <http://www.clearwisdom.net>, <http://www.faluninfo.net>

<sup>20</sup> Qigong is “an ancient Chinese medical technique based on Chinese religion and philosophy. Proponents of Qigong believe that the body as a mysterious energy field known as Qi within it. Qigong is the art of managing Qi in one's body to achieve good health.” <http://www.wikipedia.org/wiki/Qigong>.

<sup>21</sup> *Nobel Peace Prize Deadline Looms*, CNN, January 30, 2001, available at <http://www.cnn.com/2001/WORLD/europe/scandinavia/01/30/nobel.nominations/>.

Falun Gong quickly became a popular practice in China and the Chinese government responded by arresting Falun Gong practitioners for practicing their meditative exercises since Falun Gong was not an “approved” religion. In protest, 10,000 members of Falun Gong gathered outside the Communist Party headquarters in Beijing on April 25, 1999.<sup>22</sup> The members gathered outside the building peacefully, practiced their meditative exercises and then left.<sup>23</sup> In addition to public protests, members of Falun Gong began taking advantage of the new technological age. Many Falun Gong practitioners used the Internet<sup>24</sup> to protest the treatment and eradication of the Falun Gong. It should be noted that in response to an increasingly violent persecution some Falun Gong practitioners have used less-peaceful methods of protesting, including overtaking television and radio station signals to briefly broadcast their protests.<sup>25</sup>

Falun Gong practitioners in the United States have turned to the courts in fighting the Chinese crackdown on the spiritual movement. For example, in May 2002, Ding Guangen<sup>26</sup>, head of publicity for the Communist Party’s central committee, was in Hawaii. At that time, members of Falun Gong served him with a writ alleging torture and genocide.<sup>27</sup> Ding faces the charges under the Alien Tort Act<sup>28</sup> and the Torture Victims

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<sup>22</sup> Erin Chlopak, *China’s Crackdown on Falun Gong*, 9 HUM. RTS. BR. 17, 17 (2001).

<sup>23</sup> *Id.*

<sup>24</sup> Approximately 33 million Chinese were online as of January 2002. *China Dissidents Thwarted on Net*, WIRED.COM, Aug. 22, 2002, available at <http://www.wired.com/news/politics/0,1283,54789,00.html>.

<sup>25</sup> In December of 2002, “eight members of Falun Gong were sentenced to thirteen years in prison for briefly overtaking communication signals in eastern China’s Anhui province.” *8 Falun Gong members sentenced to Prison*, MILWAUKEE JOURNAL SENTINEL, Dec. 29, 2002.

<sup>26</sup> For a biography of Ding Guangen, please see <http://english.peopledaily.com.cn/data/people/dingguangen.shtml>.

Protection Act, which allows American jurisdiction over acts of torture committed outside the country. Ding is the fifth top Chinese official to be served with legal papers while in the United States.<sup>29</sup>

As noted, Falun Gong was introduced to China in 1992. By 1998, there were approximately 70 million practitioners of Falun Gong in China.<sup>30</sup> It was their numbers and their increasing political presence that the Chinese government feared. Throughout Chinese history, “a combination of religious and political disaffection appeared repeatedly.”<sup>31</sup> The Chinese Communist Party<sup>32</sup> “recognized that groups invoking mystical forces have historically played a significant role in toppling weak authorities during transitional periods in China.”<sup>33</sup>

China was facing an upcoming transition in power. In November 2002, President Jiang Zemin<sup>34</sup> formally stepped down as leader of the Communist party.<sup>35</sup> Hu Jintao<sup>36</sup>,

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<sup>27</sup> *Falun Gong Slaps Fifth Top Chinese Official With Lawsuit*, FALUN DAFA INFORMATION CENTER, May 21, 2002, available at [http://www.fofg.org/news/news\\_story.php?doc\\_id=131](http://www.fofg.org/news/news_story.php?doc_id=131).

<sup>28</sup> 28 U.S.C. 1350, available at [http://caselaw.lp.findlaw.com/scripts/ts\\_search.pl?title=28&sec=1350](http://caselaw.lp.findlaw.com/scripts/ts_search.pl?title=28&sec=1350). However, the acts require the individual to be in the United States in order to initiate the lawsuit.

<sup>29</sup> *Supra* note 27. In addition, Philip Grant, a Swiss attorney and President of TRIAL (Track Immunity Always) has announced plans to file criminal complaints against former head of the Communist Party Jiang Zemin. Since Zemin formally stepped down as head of the communist party, he no longer enjoys immunity that is granted to heads of states. *International Coalition Prepares Lawsuits in Multiple Countries Against Former Chinese Leader, Jiang Zemin*, FALUN DAFA INFORMATION CENTER, March 21, 2003, available at <http://faluninfo.net/displayAnArticle.asp?ID=7141>.

<sup>30</sup> Georgiou, *supra* note 1 at 375.

<sup>31</sup> Kelly A. Thomas, *Falun Gong: An Analysis of China's National Security Concerns*, 10 PAC. RIM L. & POL'Y. 471, 489 (2001).

<sup>32</sup> For more information on the Chinese Communist Party, see <http://www.chinatoday.com/org/cpc>.

<sup>33</sup> Thomas *supra* note 31 at 484.

<sup>34</sup> For a biography of Jiang Zemin, see <http://www.chinatoday.com/who/j/jiangzemin.htm>.

<sup>35</sup> Philip P. Pan and John Pomfret, *New Leader Chose in China; Vice President Hu Ascends to Top Post in Broad Transfer of Power*, WASHINGTON POST, Nov. 15, 2002 at A1.

Zemin's vice president, was appointed to China's top political post.<sup>37</sup> However it is expected that Zemin will continue to exert influence, as "Hu will probably need years to secure his position as the most powerful man in China."<sup>38</sup>

Adhering to their history of religious persecution, especially during weak transitional periods, the Chinese government banned the Falun Gong spiritual movement on July 22, 1999. The ban includes prohibitions on "assembly for meetings, the posting of signs, images, or logos, and the circulation of books, audio and visual material, as well as 'other propaganda.'"<sup>39</sup> The Chinese government's crackdown of the Falun Gong movement includes using a "special police force [to monitor] websites and sift e-mail, searching for messages promoting causes such as greater political openness, the banned Falun Gong spiritual movement and independence of minority religions."<sup>40</sup> In addition, China has "issued an international warrant for [Li Hongzhi's] arrest and has asked Interpol, the international police coordination agency, to help capture him. Interpol has declined to help."<sup>41</sup>

According to government advisors, the strategy for a successful crackdown on the Falun Gong spiritual movement includes violence, a high-pressure propaganda campaign

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<sup>36</sup> For a biography of Hu Jintao, see <http://www.chinatoday.com/who/h/hujintao.htm>.

<sup>37</sup> Pan *supra* note 35. Jintao was formally inducted as president in March 2003.

<sup>38</sup> *Id.*

<sup>39</sup> Thomas *supra* note 31 at 477.

<sup>40</sup> *China Sites Pledge to Be Nice*, WIRED.COM, July 15, 2002, available at <http://www.wired.com/news/politics/0,1283,53856,00.html>. In addition, "websites of human rights groups and Western and Taiwanese media are frequently blocked." *Id.* The Chinese government was helped in its Internet crackdown when "Internet portals in China, including Yahoo's Chinese-language site, signed a voluntary pledge to purge the Web of content that China's communist government deems subversive." *Id.*

<sup>41</sup> *What is Falun Gong?*, PITTSBURGH POST-GAZETTE, Feb. 16, 2003 at E3.

against the group and “brainwashing” classes.<sup>42</sup> The crackdown against the Falun Gong spiritual movement has always had a violent component but with the official governmental approval of such methods, the violence became more systematic.

The propaganda capitalized on the alleged self-immolation of five Falun Gong members in Tiananmen Square on January 23, 2001 in which a mother died and her 12-year-old daughter was severely burned.<sup>43</sup> “By repeatedly broadcasting images of the girl’s burning body and interviews with the others saying they believed self-immolation<sup>44</sup> would lead them to paradise, the government convinced many Chinese that Falun Gong was an ‘evil cult.’”<sup>45</sup>

Finally, the “classes” include “study sessions in which the teachings of the Falun Gong leader are picked apart by former followers.”<sup>46</sup> Prisoners are forced to renounce the Falun Gong spiritual movement in writing and on videotape.<sup>47</sup> According to a government advisor, most people “abandon Falun Gong after 10 to 12 days, but some resist for as long as 20.”<sup>48</sup>

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<sup>42</sup> John Pomfret and Philip Pan, *Torture is Breaking Falun Gong, China Systematically Eradicating Group*, WASHINGTON POST, Aug. 5, 2001 at A1.

<sup>43</sup> John Pomfret, *Human Fire Ignites Chinese Mystery; Motive For Public Burning Intensifies Fight Over Falun Gong*, WASHINGTON POST, Feb. 4, 2001 at A1.

<sup>44</sup> Practitioners of Falun Gong issued a statement saying, “this so-called suicide attempt on Tiananman Square has nothing to do with Falun Gong practitioners because the teachings of Falun Gong prohibit any form of killing.” Rebecca MacKinnon, *Falun Gong Denies Ties To Self-Immolation Attempts*, CNN.COM, Jan. 24, 2001, available at <http://www.cnn.com/2001/ASIANOW/east/01/23/china.falungong.03/>. In fact, there is no evidence to connect the five individuals with the Falun Gong movement. Pomfret, *supra* note 43.

<sup>45</sup> Pomfret *supra* note 42.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

China has used and is using a variety of methods to eradicate Falun Gong from China. These methods include imprisonment in labor camps. For instance, since November of 2001, Jia Cailu has been imprisoned in “Beijing’s Female Forced Labor Camp, a place where prisoners are reportedly deprived of sleep and proper nutrition and denied the use of the toilet, exposed to extreme temperatures and tortured with electric batons.”<sup>49</sup>

The Chinese government also uses its mental hospitals as holdings cells for Falun Gong practitioners. “Numerous reports have appeared indicating that practitioners of Falun Gong were also being forcibly sent to mental hospitals by police authorities. The overseas Falun Gong support network has so far compile details of around 100 named individuals who have been dealt with in this manner, while overall estimates suggest the total number may be as high as 600.”<sup>50</sup>

In 2001, the Chinese government “sanctioned the systematic use of violence against the group, established a network of brainwashing classes and embarked on a painstaking effort to weed out followers neighborhood by neighborhood and workplace by workplace.”<sup>51</sup> These methods have allowed the Chinese government to gain an upper hand in their fight with the Falun Gong. By “expanding its use of torture and high-pressure indoctrination...large numbers of people are abandoning the group that presented

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<sup>49</sup> Marylyne Pitz, *Pitt Researcher Hopes to Free Wife Jailed in China for Practicing Falun Gong*, PITTSBURGH POST-GAZETTE, Feb. 16, 2003 at E1. Jia’s husband, Xu, fled China and is currently hoping that “Pennsylvania’s senators and other U.S. officials can help him persuade Chinese authorities to let his wife go.” *Id.*

<sup>50</sup> Robin Munro, *Judicial Psychiatry in China and its Political Abuses*, 14 COLUM. J. ASIAN L. 1, 7 (2000).

<sup>51</sup> Pomfret *supra* note 42.

the party with its most serious challenge since the 1989 student-led protest in Tiananmen Square.”<sup>52</sup>

Unfortunately, the pressure to ban Falun Gong has extended outside of China. In Australia, the Melbourne City Council banned the Falun Gong from this year’s Moomba Festival. The council cited “concerns over the group’s strong political associations.”<sup>53</sup> However, “council sources told The Age that part of the reason was because Lord Mayor John So was under pressure from the Chinese business community to exclude the group.”<sup>54</sup> In New York, Falun Gong practitioners were almost forced out of the New Year’s Parade. Only after they agreed not to practice their meditative exercise or hand out fliers were they allowed back into the parade.<sup>55</sup> Parade organizers were accused of “bowing to pressure groups sympathetic to mainland China.”<sup>56</sup>

In late January 2003, Charles Li, a United States citizen was arrested in China for allegedly sabotaging state broadcasting equipment in China.<sup>57</sup> Li “immigrated to the United State in the early 1990s, received a medical degree from the University of Illinois and worked as a medical researcher at Harvard.”<sup>58</sup> Li was visiting relative sin China when he was arrested. He was arrested “immediately after arriving in the southern city of

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<sup>52</sup> Pomfret *supra* note 42.

<sup>53</sup> Farrah Tomazin, *City Council Bans Falun Gong from Moomba*, THE AGE (MELBOURNE), Feb. 21, 2003 at 6.

<sup>54</sup> *Id.*

<sup>55</sup> Bryan Virasami, *Falun Gong Joins New Year Parade*, NEWSDAY, Jan. 31, 2003.

<sup>56</sup> *Id.*

<sup>57</sup> Anthony Kuhn, *China Arrest U.S. Member of Outlawed Group*, LOS ANGELES TIMES, Jan. 31, 2003 at 5.

<sup>58</sup> *Id.*

Guangzhou.”<sup>59</sup> Li is listed as a contact person for Falun Gong on an overseas Internet site.<sup>60</sup> Li was also involved in researching a lawsuit against Qi Liu, former mayor of Beijing.<sup>61</sup> In fact, Li personally served the legal papers to Mr. Liu in a San Francisco airport last year.<sup>62</sup>

Many members of Congress urged the release of Li.<sup>63</sup> After more than forty days in detention, the Chinese government finally indicated that they would put Li on trial on charges of disrupting government television and radio broadcasts. During his time in detention, Li was allowed only two thirty minute visits with U.S. officials. After over fifty days in detention, the Chinese Courts sentenced Charles Li to three years in prison.<sup>64</sup>

Fearing the Falun Gong could prove to be a political threat, the Chinese government began a systematic and violent campaign against the spiritual movement. The Chinese crackdown on Falun Gong has proven to be rather successful. However, there is no evidence to suggest that Falun Gong began as anything more than a spiritual exercise. There is no evidence that Falun Gong had any political aspirations. Ironically, it was the Chinese government’s treatment of Falun Gong that politicized and in some cases radicalized the movement.

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<sup>59</sup> Philip Pan, *China Jails U.S. Citizen, Alleging Falun Gong Sabotage*, WASHINGTON POST, Jan. 20, 2003 at A14.

<sup>60</sup> *Id.*

<sup>61</sup> *American Held 44 Days in Isolated Detention in China*, FALUN DAFA INFORMATION CENTER, March 7, 2003, available at <http://www.faluninfo.net/DisplayAnArticle.asp?ID=7093>.

<sup>62</sup> *Id.*

<sup>63</sup> Edward Epstein, *Democrats Demand China Free Li*, SAN FRANCISCO CHRONICLE, Feb. 22, 2003 at A4.

<sup>64</sup> *American Linked to Sect Gets 3 Years, Deportation*, CHICAGO TRIBUNE, March 22, 2003 at 24.