

## **THE MAJOR PERPETRATORS**

Lawsuits have been filed in countries around the globe including several against Jiang Zemin, Li Lanqing, Lou Gan, Wang Xudong, Bo Xilai and other key high-ranking officials for their role in planning, ordering, supervising and inciting – and in some cases aiding and abetting and/or contributing in major ways to – the campaign of genocide, crimes against humanity, and violations of customary international war as set forth below:

### **THE CHARGES**

1. Formulation of a common plan or conspiracy to eradicate Falun Gong practitioners from China by any means necessary, including the rampant use of torture and extra-judicial killing.
2. Violation of international legal standards that include the prohibitions against genocide and torture, and other crimes against humanity.
3. Violation of Chinese law and especially prohibitions against torture, extra judicial killing, and prolonged arbitrary detention.
4. Violations of customary international law including the above mentioned in addition to the right to life, liberty, freedom of religion and conscience, the right to assemble freely and freedom of speech.

### **THE ACCUSED**

#### **A. Jiang Zemin**

Jiang Zemin was the President of the People's Republic of China from March 1991 and General Secretary of the Communist Party of China from September 1997 through March 15<sup>th</sup> of March 2003. He additionally served as chief of the Armed Forces of China from X through Y. Because of his posts, he exercised full executive power over all state officials and party cadres, and especially the elite core of the Central Committee of the Chinese Communist Party. He had the

authority to shape policy, decide questions of government at national and regional levels including the duty to select and appoint the officials to the most important posts in China, and to manage, supervise, and direct their behavior. (See, Art. 19, 9.29, 1994 of the Charter of the Chinese Communist Party; Art. 80 of the Constitution of the People's Republic of China)

In these capacities and under Chinese and international law, Jiang Zemin had a duty to ensure that high ranking government and party officials not engage in abuses of the rights of citizens and visitors to China. By Article four, chapter one of the Charter of the Chinese Communist Party, Jiang Zemin was further obliged to criticize and report the unlawful behavior of Communist Party officials. Like all other public officials, by the Preamble to the Constitution, Jiang Zemin was also required to uphold the Constitution and Chinese law, which includes the protection of civil, democratic and other rights and freedoms of the citizens of China.

All of the above responsibilities have been violated in the process of initiating, organizing and carrying out a campaign of torture, genocide and other gross violations of the rights of the citizens of China in concert with other major and key perpetrators of these crimes.

In particular, Jiang Zemin is responsible under international legal standards, Chinese law and customary international law as not only a co-perpetrator and co-conspirator in the plan to exterminate Falun Gong, he is also responsible as the one who conceived the plan of extermination and formed the initial conspiracy to carry it out. See, for example, his June 7, 1999 speech to the Politburo of the Central Committee of the Chinese Communist Party. See also, references to Jiang Zemin's May 8, 1999 "Memorandum to the Comrades of Politburo, Office of Secretariat, and the Central Military Commission of the Central Committee of the Chinese Communist Party," in, *inter alia*, the General Office of the CCP Central Committee Official Document [1999] # 19. See also, Radio Interview of Mark Palmer in Bachelor and Alexander

show, 770 AM, WABC, New York on July 16, 2003; Willy Wamp's "China's Suppression Carries a High Price," February 9, 2001;

In order for this plan to succeed in its objective, Jiang Zemin worked in concert with or through other individuals in the joint criminal enterprise or conspiracy. Each participant or co-conspirator within the common enterprise, sharing the intent to contribute to the enterprise, played his or her own role or roles that contributed significantly to achieving the objective of the enterprise. The roles of the participants or co-conspirators include, but are not limited to, the following:

**B. Li Lanqing**

In his speech of June 7, 1999 to the Politburo of the Central Committee of the Chinese Communist Party, he sets out his plan to eradicate Falun Gong by any means necessary, Jiang Zemin referred to a "supervisory group" responsible for managing, supervising, and implementing the 'final solution' to the problem of Falun Gong.

It was this group that three days later became the "610 Office," an office that was to be led by Mr. Li Lanqing, a member of the seven-person Politburo Standing Committee and former Vice-Premier of China, as its Director. Since that time and until his retirement on DATE, Mr. Li Lanqing has headed the "610 Office" and in this capacity especially has been directly responsible for the acts of violence committed by this official body as part of the common plan or enterprise to repress, suppress and if necessary exterminate practitioners of Falun Gong.

As the key perpetrator of the daily tortures, massacres, disappearances, rapes, pressures and threats currently carried out by the office 710 and other police security officers under his direct authority and command, he is responsible under international legal theories of command responsibility, conspiracy, and co-perpetration for these crimes as defined in *Prosecutor v. Delalic*,

IT-96-21-T at (paras 377-8); *Prosecutor v. Kordic and Cerkez*, IT-95-14/2, Feb.26 2001 at paras 405-7, and HRLF publication, *Conspiracy under U.S. Law*, Yoshida Akira, 2007, as well as under Chinese law as set forth in the Criminal Law of the People's Republic of China sections 247-48 (1997), the Ministry of Public Security of the People's Republic of China, Responsibilities and Duties of Public Security Organs section 4, 22, and in Art.22 of People's Police Law of the People's Republic of China (12<sup>th</sup> session, 8<sup>th</sup> National Congress General Secretariat, February 28, 1995).

In particular, and from Mr. Lanqing's speeches and directives, the overwhelming facts in support of his guilt are made clear. These include an array of speeches where he emphasizes the importance of a common plan to effectively prevail in the battle with Falun Gong. Characteristic are his statements in his speech delivered on February 26, 2001 at the National Award-giving Meeting for Advanced Groups and Individuals in Combating Evil Cults. According to a summary provided by Xinhua News Agency, he not only justifies the brutal crackdown on Falun Gong by attributing to it's adherents characteristics reminiscent of Nazi propaganda about Jewish people (e.g., an enemy of humankind that must be obliterated), he also elicits and solicits support from all sectors of society to ensure the success of the collaborative effort to eliminate Falun Gong from China. See also, "People's Liberation Army Daily," February 2, 2001, Li Lanqing, "Vice-Premier Calls for Determined Fight Against Falun Gong," Xinhuanet, 2001-02-28), "The Views of the Central Office of for Handling Falun Gong Problem," April 9, 2001, and Comrade Lou Gan's Speech at the Ministry of Justice's Education and Transformation Experience Sharing and Commendation Meeting." August 2000.

### **C. Lou Gan**

Lou Gan was assigned by Jiang Zemin in Jiang's well known June 7, 1999 speech to an audience of the Politburo of the Central Committee of the Chinese Communist Party, to the duties of deputy manager of the office Jiang created to bring about the destruction and dissolution of Falun Gong. Following Li Lanqing's withdrawal in November of 2002, Mr. Gan undertook the direction of the "610 Office", and perhaps as a reward for his major role in the persecutory acts of his office, he climbed up the ladder of party leadership and is now a member of the 9-member Politburo Standing Committee and the Political and Judiciary Committee of the Chinese Communist Party.

In these capacities, he is clearly responsible for the daily tortures, massacres, disappearances, rapes, pressures and threats currently carried out by the office 610 and other police security officers under his direct authority and command. According to at least one United Nations report from the United Nations Human Rights Commission Lou Gan had direct knowledge of the types of torture and abuses carried out; and the Annual report on International Freedom of Belief issued by the Department of State of the USA, 2001, confirms the death of over 200 active adherents as a result of torture inflicted during unlawful arrest and detention. At least one of the victims has testified under oath that Mr. Gan was present in the room during her interrogation and torture by the police.

According to a judicial Opinion issued by Judicial Officer and Federal Judge Octavio Araoz de Lamadrid,

[I]t is sufficient to say that the description of events – destined to eradicate the practice of Falun Gong, forcing people to renounce their freedom of spiritual belief – comprised the different consequences that stem from systematic persecution, such as threats, expropriation of assets, forced and illegal internment (with no legal guarantee) in labour camps under a slave regime, in mental hospitals and in prisons (the defendant claims that there are currently an estimated 500,000 detainees); infliction of physical torture (ingestion of acids, all types of burns, plucking of (finger and toe) nails, electrical discharges, multiple or massive rape, induction of abortion, etc.) and psychic torture (for example, through brainwashing techniques, subjecting the victim to the projection of re-

educational videos for several hours every day, or preventing sleep for several days), disappearance of people, cremation of bodies, etc. *“According to the figures of the World Organisation for the investigation of persecution of Falun Gong, created on 20 January 2003 in the USA, and extra-officially by the Chinese Government itself, the number of deaths following terrible torture may reach as many as 50,000 people...”*.

In view of all this, the court considers that the perpetration of the crimes of genocide and torture is verified.

Like Li Lanqing, Lou Gan’s speeches and directives themselves make clear his role as a participant in the common plan and enterprise to eliminate Falun Gong. In his “Comrade Lou Gan’s Speech at the Ministry of Justice’s Education and Transformation Experience Sharing and Commendation Meeting,” delivered on August 19, 2000, he urges his audience to follow the directives of then-Secretary Jiang Zemin’s important directives with respect to the fight against Falun Gong. In this speech, Mr. Gan additionally urges the security forces under his command and control to follow the conduct of the guards at the Masanjia Labor Camp one of the primary facilities where the abusive practices that were a regular part of the campaign of persecution against Falun Gong, including torture and arbitrary execution, took place. See, Annual Report on Human Rights issued by the U.S. Department of State, DATE. See also, list a few other of his speeches.