



FALUN DAFA
ASSOCIATION OF AUSTRALIA INC

**Inquiry into Australia's Advocacy
for Abolition of the Death Penalty**

**Submission to the Human Rights Subcommittee
of the Joint Standing Committee on
Foreign Affairs, Defence and Trade**

2 October 2015

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1.0 INTRODUCTION

The Falun Dafa Association of Australia Inc (the Association) appreciates the opportunity to offer this submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into Australia's Advocacy for Abolition of the Death Penalty.

The teachings of Falun Dafa affirm the sanctity of human life and are very clear on the seriousness of taking a life, which includes state sanctioned killing enacted under the death penalty or extrajudicial killing.

The members of the Association are guided by the teachings of Falun Dafa and we adhere to the principles of Zhen Shan Ren, (truthfulness, compassion, forbearance). Naturally we feel empathy for human beings suffering under the death penalty anywhere in the world.

Our focus in this submission is to draw attention to the use of the death penalty and extrajudicial killing under Communist Party rule in the People's Republic of China (China), and is clearly informed by the persecution of Falun Gong.

We note comments by the Human Rights Sub-Committee Chair, the Hon Philip Ruddock MP, in the media release of 21 August 2015: "We need to shift the focus to ending the death penalty worldwide and ensure that our advocacy for abolition is effective in bringing about this change."

The UK Strategy for Abolition of the Death Penalty ¹ places China atop its priority list of countries.

Effective change worldwide means effectively engaging China. We humbly hope that this submission may make some contribution towards that important endeavour.

This submission addresses the inquiry Terms of Reference of how Australia could advocate for worldwide abolition of the death penalty by:

- engaging with international institutions and likeminded countries;
- cooperating with non-government organisations;
- bilateral engagements and other diplomatic activities; and
- other appropriate means.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35448/death-penalty-strategy-oct-11-15.pdf

2.0 EXECUTIVE SUMMARY

China is the major killer under the death penalty in the world today. China maintains such a position because of the historical and entrenched culture of the Chinese Communist Party (CCP).

Helping to change China's attitude to killing its people will help human rights in all aspects in China and also have a positive impact on how the rest of the world, including Australia is impacted by a future China.

Although Falun Gong practitioners are not generally sentenced under the death penalty in China, the persecution and killing of Falun Gong practitioners is inextricably linked to the CCP's methods of maintaining power and control.

The killing of Chinese citizens by their own government, both under the death penalty, extra-judicial killing and campaigns of eradication as suffered by Falun Gong, is linked to the absence of rule of law, and rule by threat, corruption, inducements and financial benefit.

The persecution of Falun Gong has been maintained by inducements to CCP officials at all levels including police, the 610 office and prisons, in contravention of China's laws and Constitution.

Understanding what Falun Dafa is, why it has been brutally persecuted for 16 years, and efforts to end the persecution or end the death penalty in China, are essentially the same initiative i.e. to help revive the moral foundation of the Chinese people.

Ending the death penalty or extra judicial killing in China can only occur through a change in Chinese government attitude to killing as a means of controlling the Chinese people.

Recent changes to the death penalty system in China labelled "kill fewer, kill carefully" laws, may not signify the regime's acceptance of "western" human rights, but may be an adaptation to preserve its rule. In seeking popular legitimacy the CCP has toned down the Mao-era legacy of blatant killing to enforce social control, and responded to internal calls for greater accountability in applying the death penalty.

Developments on the application of the death penalty are separate to the issue of extrajudicial killing in China. But positive reform in both areas has a common foundation – a change in how the Chinese people and/or the Chinese government value human life.

Australia can advocate for change in China at the government and non-government levels. Highlighting the good and moral aspects of traditional Chinese culture can help the Chinese people see what they have lost, and what they can regain. It can herald a new way forward where respect for human life replaces disregard for the sanctity of life in the pursuit of power or selfishness.

The "people's attitude" may be used by governments as an excuse to maintain the death penalty, but "the people" can also accept abolition or a moratorium on the death penalty when a clear decision has been made by their government.

In China, "the people" will ultimately welcome such a change as they will then know that they themselves are less likely to be a victim of state-sanctioned killing.

Change in China can help change attitudes to the death penalty around the world where China extends its influence.

Abolition of the death penalty will also have to confront China's reliance on organs taken from prisoners killed to service its highly profitable yet immoral transplantation business.

Australia needs to be courageous in its advocacy for change to the death penalty in China, and all that it may entail.

Australia needs to avoid becoming a "victim state", just as the Chinese people have become victims to the order of the CCP, where morality and virtue have been subverted by self-interest and financial gain.

3.0 RECOMMENDATIONS

1. Urge China to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights.
2. Engage China's civil society in any suitable fora, including supporting exchange of Australia-China lawyer groups, to promote abolition of both the death penalty and extrajudicial killing.
3. Engage China through bilateral or multilateral dialogue to promote the benefits for the Chinese people of a moratorium or reduction in the use of the death penalty.
4. Speak up to protect the lives of Falun Gong practitioners in China. Calling to account those responsible in China and supporting an end to the persecution will help lay a foundation for a change in people's attitudes to the death penalty and state sanctioned killing in China.

4.0 BACKGROUND

The following information introduces relevant issues which provide context for the recommendations contained in the submission.

4.1 FALUN DAFA ASSOCIATION OF AUSTRALIA INC

The Association coordinates large scale Falun Gong (Falun Dafa) activities across Australia and helps to provide accurate information about Falun Gong to the broader community. Falun Dafa has been practised in Australia since 1995 and is enjoyed by thousands across all states by people from Chinese and non-Chinese cultural backgrounds.

Since late 1999 the Association has also liaised with government and media to present information about the human rights violations suffered by Falun Gong practitioners in China and raise awareness of the ongoing persecution campaign by the CCP.

4.2 WHAT IS FALUN GONG – WHY IS IT PERSECUTED?

Falun Dafa (also known as Falun Gong) is an advanced self-cultivation practice of the Buddhas School and is rooted in the ancient spiritual traditions of China. While Buddhist teachings refer to “The Dharma”, and Taoist teachings refer to “The Way”, as a reference to a universal law that underlies all things, Falun Dafa refers to the “Great Law” (Dafa).

The practice of Falun Dafa includes gentle meditative exercises and is guided by *Zhen, Shan, Ren* (*Truthfulness, Compassion, Forbearance*), which are taken as the laws which underlie the development of the cosmos. It was first taught to the public in China in May 1992, having previously been taught to selected students by the founder of the practice, Mr Li Hongzhi. Falun Dafa has been practised in Australia since 1995 and all classes are free of charge.

During the 1990s in China, over 70 million people took up the practice of Falun Gong, which, at that time was openly promoted by Chinese authorities because of its known health benefits.

However, then CCP leader Jiang Zemin saw a threat in Falun Gong’s revival of traditional Chinese spiritual belief, which had been suppressed following the Cultural Revolution. Jiang Zemin had been instrumental in sending tanks into Tiananmen Square to crush students’ hopes for democracy. In June 1989, in the aftermath of the Beijing massacre, Jiang was chosen by elder statesman Deng Xiaoping as the new general secretary of the CCP.

Some 10 years later in July 1999, Jiang launched the brutal persecution of Falun Gong meditators, casting a peaceful group as ‘enemies of the state.’

The UN Rapporteur on Torture Dr Manfred Nowak confirmed, after his visit to China in November 2005, that Falun Gong practitioners comprised two-thirds of all torture cases reported in China.²

Jiang escalated the persecution using the now-purged ex-security head Zhou Yongkang, to build an internal security apparatus (the 610 office) whose funding exceeded that of the Chinese military. There is substantive evidence that Jiang’s campaign to eliminate Falun Gong added tens of thousands of prisoners of conscience into the captive pool of imprisoned forced organ donors who are killed to service China’s burgeoning transplant industry.

² <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsA-E.aspx> (See Report EC/N.4/1998/44/Add.2)

4.3 AMNESTY INTERNATIONAL ON THE PERSECUTION OF FALUN GONG

The persecution of Falun Gong continues today. The Amnesty International report titled "Changing the soup but not the medicine? Abolishing Re-education Through Labour in China" (December 2013), notes that: "The latest anti-Falun Gong campaign, launched earlier this year [2013] and intended to operate for three years, shows that the CCP's determination to rid China of this spiritual group has not abated."³

4.4 AMNESTY INTERNATIONAL ON THE DEATH PENALTY & CHINA

In 2014 Amnesty International noted that: "China again carried out more executions than the rest of the world put together. Amnesty International believes thousands are executed and sentenced to death there every year, but with numbers kept a state secret the true figure is impossible to determine."⁴

Extracts from April 2007 Amnesty International document about the death penalty include:⁵

"Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty is the ultimate denial of human rights.

"As long as human justice remains fallible, the risk of executing the innocent can never be eliminated."

"The death penalty is discriminatory and is often used disproportionately against the poor, minorities and members of racial, ethnic and religious communities."

"It is a symptom of a culture of violence."

"As long as the death penalty is accepted as a legitimate form of punishment, the possibility of political misuse will remain. Only abolition can ensure that such political abuse of the death penalty will never occur."

"An informed public opinion is shaped by education and moral leadership. Governments should lead public opinion in matters of human rights and criminal policy. The decision to abolish the death penalty has to be taken by the government and legislators."

4.5 METHODS OF EXECUTION IN CHINA AND IMPLICATIONS

"Lethal injection and shooting are the only methods authorized by China's Criminal Procedure Law of 1996. Shooting executions were discontinued in 2010 per a People's Supreme Court ruling of February 2009 which held that lethal injection is a more humane form of execution than shooting. Lethal injection (using a mixture of barbiturates, muscle relaxant, and potassium chloride) was legalized in 1996 and has been used since the late 1990s.....The cost of a single dose of lethal injection is cheaper—at 300 yuan—than the 700 yuan price tag of a firing squad. Scholars point to this factor, profit, ease of secrecy, and reduction of family complaints (due to massive disfiguration caused by shots to the back of the condemned's head) as factors motivating the switchover to lethal injection."⁶

³ <http://www.amnesty.org/en/library/info/ASA17/042/2013/en>

⁴ <http://www.amnestyusa.org/research/reports/death-sentences-and-executions-2014>

⁵ <https://www.amnesty.org/en/documents/ACT50/010/2007/en/>

⁶ <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=China>

4.6 COMMUNIST PARTY LEGACY – ACCEPTABLE KILLING IN CHINA

The effect of Communist Party rule in China has led to a corruption of morality and ethics in Chinese society. Please consider the following brief examples.

September 2015 media report: “When a driver in China accidentally hits a pedestrian, they will often run over the victim a few more times to ensure they are dead..... and the reason is this: If you injure someone, you have to pay for their care for a lifetime. But if you kill them, you only pay once.”⁷

Beijing-based human rights lawyer Li Heping explains the prevalence of the death penalty in China, “Six decades of Communist rule have inculcated the idea that an individual life can be sacrificed for the greater good.....Very few people are aware of the concept of abolishing the death penalty, let alone the consideration of societal improvement and benefits that comes with getting rid of the sentence.”⁸

Dr Enver Tohti a Uighur cancer surgeon from north-eastern China recalls in shocking detail his involvement in removing organs, the patient was still alive in surgery. No anaesthetic was used: “I believe it was a Tuesday summer, July 1995. One of my chief surgeons and a colleague said – do you want to do something wild? I was young. I said yes. And then he said - OK, come to see me tomorrow morning at 9.30 at the gates of the hospital. Next day we came to a place called the Western Mountain Execution Grounds. Then we heard the gunshot. But to my surprise when I cut through blood still come out. That is to say, blood is still running. That means this person is still alive. The gunshot wound is to the right, not to the left. So that is to say, to make sure this person is not dead, I cut through to the both sides, removed the liver, and took the kidneys. It took me less than 30 minutes.”⁹

Dr Torsten Trey (Doctors Against Forced Organ Harvesting) noted in an interview, “The Communist Party is claiming the organs of its citizens as its own property.....that the individual integrity of the person is violated even to that point, that the person does not have the right to their own organs.”¹⁰

⁷ <http://www.news.com.au/travel/travel-updates/disturbing-stories-from-chinas-roads/story-fnizu68q-1227516693873>

⁸ <http://www.theatlantic.com/china/archive/2013/05/why-china-executes-so-many-people/275695/>

⁹ http://www.sbs.com.au/news/sites/sbs.com.au.news/files/transcripts/451880_dateline_humanharvestchinasorgantrafficking_transcript.html

<http://nypost.com/2014/08/09/chinas-long-history-of-harvesting-organs-from-living-political-prisoners/>

¹⁰ <http://www.theepochtimes.com/n3/22976-book-exposes-organized-killing-for-organs-in-china/>