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Investigative Report on the Political and Legislative Affairs Committee Commanding the Judiciary System to Persecute Falun Gong

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Apart from the illegally established “610 Office,” the two most important apparatus in carrying out the persecution of Falun Gong are the propaganda and judiciary systems. The propaganda system includes news, media and publishing branches under the direct control of the Ministry of Propaganda. The judiciary system includes public security, procuratorate, court, justice department and national security under the direct control of the Political and Legislative Affairs Committee (PLAC) and the “610 Office.”

Since there is already a report on the "610 Office," this report focuses on how the PLAC, under the jurisdiction of central and local Chinese Communist Party (CCP) Committee [1], commands the judiciary system to persecute Falun Gong.

1.1 Historical Background

The PLAC system functions beyond the boundary of the existing legal system. It stems from the CCP's method of directing the political and judiciary system via the Party Committee's review and approval. Before the CCP took power, the public security and judiciary entities were under CCP's direct control. The former head of the People's Supreme Court Jiang Hua pointed out, "In the past, arrests and execution inside the army and the revolutionary base were reviewed and approved by the Party Committee. It has formed a system. [2]" After the CCP established its government, from October 1949 to July 1956, subcommittees for political and legislative affairs were formed in three levels of the Party system, namely the CCP Central, provincial (autonomous region and municipality) and regional levels. These subcommittees, however, were under the jurisdiction of the state. On Nov. 1, 1954, Party Central ordered the dismissal of the State Council Political and Legislative Affairs Committee. In July 1956, the Party Central first established the Party Central Legislative Committee, which was later renamed the Party Central Political and Legislative Leadership Team. This Leadership Team played an important role during the Cultural Revolution. It was until Jan. 1980 when it was replaced with the Party Central Political and Legislative Affairs Committee [3]. The PLAC continued functioning as its predecessor and became an official entity within the Party. By then, the PLAC had completely transformed from a state agency to a Party agency [4]. Its role was to strengthen the control of the Party over state administrative entities, such as the court, the procuratorate, Public Security, judiciary and national security department [5]. In the meantime, the tradition of Party Committee reviewing and approving cases continued and mixed up with the PLAC. The process of reviewing and approving cases is usually determined by one person, who is either the Party Chief or the head of the PLAC. This explains why during the persecution of Falun Gong, the Public Security and judiciary departments can disregard state law and regulations, but directly taking orders from the Party Committee, the PLAC, or the “610 Office.” The Ministry of National Security is categorized as part of the PLAC system [6,7]. This set the basis for the CCP to export the persecution against Falun Gong and other ideological differentiating groups to overseas.

1.2 Current Structure

From CCP Central to township level Party Committee, there exists a corresponding PLAC, who is in charge of the related state departments. The PLAC system includes the court, the procuratorate and three state administrative entities, namely Public Security, judiciary and national security departments. Personnel from these 5 departments are all referred to as “official and police [5].” The PLAC implements a committee member responsibility system where the secretary is in charge of the overall operation and the deputy secretaries and various committee members each in charge of one area of work [3].

The General Office of the CCP Central Committee issued documents [1994]No.9, [1995]No. 28 and [1999]No.6, iterating that the PLAC is the functional branch enabling the various levels of CCP Committee members to manage political and legislative work. From the hierarchy point of view, the PLAC is the superior of the corresponding political and legislative

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governmental departments. This hierarchy is determined by the PLAC's structure and content [3]. The Central PLAC openly claims: the Central PLAC is the functional branch enabling CCP Central Committee members to manage political and legislative work [1].

As for the personnel of PLAC, the Central PLAC consists of over 50 members. Together with the personnel from the government side, there are over 100 members in the Central PLAC. The provincial PLAC usually has 30 to 50 people. The city level PLAC usually has 10 to 20 people. The county level PLAC usually has 5 to 10 people. According to statistics from 2007, there were all together over 30,000 people in the PLAC system [3].

1.3 Main Responsibilities and Tasks

The main responsibilities of the Central PLAC are, "According to Party Central's direction, policy, regulation and delegation, unify political and legislative departments' thoughts and actions; assisting Party Central in research and design of political and legislative work policy and regulation, coming up with the overall plan for a period of time and monitoring the implementation of the plan... leading the investigation of major trials... directing local regional PLAC's work; accomplish other tasks assigned by the Party Central [1]."

The main responsibilities of the various levels of PLAC are, to unify political and legislative departments' thoughts and actions based on that of the Party Central [8]; to lead the political and legislative departments in the implementation of the Party Central's direction and policy [9]; to carry out necessary monitor and inspection of the political and legislative departments and to lead the investigation of major trials; to unify the thoughts towards controversial trials [3].

Apparently, the PLAC is only responsible for implementing the CCP Central Committee's principle and policy, while totally ignores the implementation of the Constitution and the rule of law. Different levels of the courts [10], procurators [11], public security [12] and the legal system [13] all take orders from the Central PLAC. The existence of the PLAC is to guarantee the completion of CCP dictated political tasks among the political and legislative departments nationwide. Even the insignificant district level PLAC can command the legislative system with special tasks that do not belong to the normal field of work, such as the so-called "maintaining social stability" work. The following "political work" was assigned to the court personnel by a district PLAC [5].

It took place in Zhaoju Village of Hougongzhai County, Xifeng District in Qingyang City, Gansu Province. During the second half of 2001, the district PLAC considered the crackdown on Falun Gong not intense enough and commanded the local court to handle it. The court sent personnel 12 times to visit the local brainwash center where Falun Gong practitioners were kept and attempted to make the Falun Gong practitioners write a so-called "regret letter" to submit to the court [5].

From this example, one can see that the existence of PLAC has made the entire state political and legislative system heavily tinted with political bias.

The former and present heads of the PLAC all took positions in the legislative branches of the government [14]. This shows CCP's direct control over legislative branches. The following is a list of main members of Central PLAC:

Secretary of the Central PLAC [14]

Zhou Yongkang: Dec. 2002 to Oct. 2007, served as Minister of Public Security, and first political commissar of the armed police forces [15]. Deputy secretary of the Central PLAC, since 2007 as secretary of the Central PLAC and head of the Central Social Comprehensive Management Committee [16].

Deputy Secretary of the Central PLAC

Meng Jianzhu [17], Minister of Public Security and first political commissar of the armed police forces.

Secretary-general of the Central PLAC

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Zhou Benshun[18], Nov. 2001 to Nov. 2003 as Secretary of Hunan Province PLAC, Head of provincial department of public security (removed on May 31, 2004). In April 2008 as the Secretary-general of the Central PLAC.

Current members of the Central PLAC [19]:

Wang Shengjun, head of the Supreme People's Court [20].

Cao Jianming, Attorney-general of the Supreme People's Procuratorate.

Geng Huichang, Minister of National Security.

Wu Aiying, Minister of Justice.

Tong Shiping, deputy secretary of the General Political Department and secretary of the Disciplinary Committee of the Military Committee.

Wang Jianping, Commander of Armed Forces.

Former members of the Central PLAC [21]:

Xiao Yang, head of the Supreme People's Court (1998 to 2008) [22,23].

Jia Chunwang, Attorney-general of the Supreme People's Procuratorate (March 2003 to March 2008) [24].

Xu Yongyue, Minister of National Security (March 1998 to Aug. 30, 2007) [25].

Zhang Fusen, Minister of Justice (Dec. 2000 to July 2005) [26].

1.4 The PLAC is the Command Center of the Persecution of Falun Gong

The PLAC of the CCP Central Committee directly issued documents or called meetings to deploy the persecution of Falun Gong. The Central PLAC holds annual national meetings to provide overall policy and guidelines [27]. In December 2001 [28], March, May and September of 2002, the Central PLAC organized the "Video and Telephone Conference on Carrying out Nationwide Crackdown [29]," "Crackdown Inspection and Reporting Meeting [30]," and "National Video and Telephone Conference [31]." During each meeting, Luo Gan, head of the PLAC, gave speeches on carrying out the persecution against Falun Gong. On November 7, 2004 at the national political and legislative affairs meeting, Luo Gan emphasized on intensifying the struggle against 3 anti-government forces, including Falun Gong [32]. On March 19, 2007, Zhou Yongkang, deputy chief of the PLAC and Minister of Public Security, ordered all public security agencies and personnel to "strictly crackdown" on Falun Gong during a Ministry of Public Security meeting [33].

In 2007, Zhou Yongkang became the head of the Party Central PLAC and the Comprehensive Management Committee [34]. Since then, he obtained total control of the Public Security, procuratorate and judiciary system, disregarding law and regulation, expanding PLAC system, wasting large amount of so-called "maintaining stability" budget to persecute Falun Gong in the names of maintaining stability and Olympics security. For details, please refer to WOIPFG investigative report on Zhou Yongkang.

From 1998 to 2007, Luo Gan was head of PLAC and vice head of the "CCP Central Committee Leadership Team for Handling the Falun Gong Issues," an organization created singlehandedly by Jiang Zemin. Luo Gan is the main person commanding the persecution of Falun Gong. Luo did not hold any substantive positions in the government offices that legally empower him to manipulate the governmental departments of public security, procuratorate and justice. In 2002, Luo Gan went to Anhui and Jiangxi provinces to inspect work progress of persecuting Falun Gong [35,36]. On November 22, 2003, he deployed the persecution tasks at the 20th National Public Security Conference [37]. In both occasions and many other events, he did all in the name of the head of PLAC.

1.5 The persecution orders come directly from the PLAC of various CCP levels

For example, among the five responsibilities listed for the Nanning City PLAC in Guangxi Province, the third one is to "fight against Falun Gong." The other four responsibilities were to maintain social order, to strike hard as punishment, and to build up a striking, prevention and control social system for public safety and to enhance the construction of political and judiciary team [39].

1.6 Implementation of the Party Organization Line for the Persecution

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Jiang Zemin has established a system for the CCP to persecute Falun Gong. The system includes the "Leadership Team for Handling Falun Gong Issues" at each Party Committee level and their operation offices – the "610 Office." The CCP Committee secretary who is in charge of political and legislative work (usually is the secretary of the Disciplinary Committee) is usually the head of the "Leadership Team for Handling Falun Gong Issues." A deputy secretary of the PLAC would serve as the head of the "610 Office." From the CCP Central Committee to provincial, city, district and county level, the corresponding "610 Offices" reside together with the PLACs of the same level.

For example, Nanning City's "Leadership Team Office for Handling Falun Gong Issues" (a.k.a. "610 Office") is under the PLAC of the City CCP Committee [40]. The 10th responsibility of the PLAC of Wuhan City CCP Committee is "to manage the Leadership Team Office for Handling the Falun Gong and other Qigong Issues (the "Wuhan City CCP Committee 610 Office")."[5]

From the establishment of the PLAC at the central and each successive CCP level to its control over the government offices of public security, procuratorate and justice, the CCP and its leaders are able to override the constitution and laws coercively created by the CCP itself. This kind of system has turned the Chinese legal system into a private punishment tool for Jiang Zemin and the CCP to persecute Falun Gong. Due to the persecution of Falun Gong, the PLAC system has expanded its authorities beyond the law and regulations, destroyed the already weak legal system in China, and extended the persecution to dissidents, religious groups, rights lawyers, rights activists, appellants and others who disagree with the CCP. The PLAC system has indeed become a malignant tumor of the society.

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To investigate the criminal conduct of all institutions, organizations, and individuals involved in the persecution of Falun Gong; to bring such investigations, no matter how long it takes, no matter how far and deep we have to search, to full closure; to exercise fundamental principles of humanity; and to restore and uphold justice in society.

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