



סנהדרין - בית דין גדול של 71*

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Israeli Falun Gong practitioners, representing Falun Gong practitioners in the People's Republic of China, lodged a complaint against the Government of the People's Republic of China before the Sanhedrin sitting as The International Court of Justice, headed by Rabbi Adin Even Yisrael (Steinzaits) in the month of Tamuz 5767 [July 2007].

The complainant claimed that the Government of the People's Republic of China, with no due process of law, arrests large numbers of Falun Gong practitioners, interns them in labor camps, and perpetrates further violent and illegal acts against them, including murder and organ harvesting from live people – Falun Gong practitioners, all of this as a means of vengeance, punishment and repression, despite the fact that Falun Gong practitioners never acted against the Government of the People's Republic of China in any way; that all their activity and all their intent is the physical and mental health of the Falun Gong practitioners, which is achieved by physical exercises and education towards truth, compassion and tolerance.

The Israeli Falun Gong practitioners further claimed that the Government of the People's Republic of China has created a huge supply of human organs, which supplies people from around the globe.

It is well known that health authorities in the State of Israel in the past covered the expenses of flying patients to China for transplants – or alternatively bringing organs from China to Israel, but that this procedure has been stopped since they became aware of the suspicions that the source of these organs were prisoners who had been killed and their organs harvested.

Professor Arie Eldad made an inquiry in The Government of the People's Republic of China regarding a large quantity of skin transplants, and received a positive response. This evidence was confirmed from other sources.

The International Court of the Nascent Sanhedrin agreed to deal with the complaint according to the rule: [Avoth III,14] “Beloved is man, that he was created in His image”.

- a. The Falun Gong practitioners stated that they believe that they are being persecuted as a result of two opposing processes: 1. The decrease of the membership of the Chinese Communist party, which is the political basis of the government, as opposed to 2. The increase of the numbers of the Falun Gong practitioners. Of late, the numbers of Falun Gong practitioners was greater than the membership of the Chinese Communist party. In the opinion of the Israeli Falun Gong practitioners, the Chinese Communist party has been viewing this development with anxiety for over a decade, and nine years ago decided to take steps to oppose this trend. Their attitude changed at that time suddenly from a warm and encouraging attitude to one of vicious repression by all means – including murder and organ harvesting.
- b. The International Court of the Nascent Sanhedrin by means of the Secretary, turned to the Embassy of the People’s Republic of China, requesting their response to the complaint. The Embassy of the People’s Republic of China turned to various people connected with the political establishment in Israel to try to influence the Court to refrain from dealing with the case. Mrs. Ora Namir, who was an Ambassador of Israel to the People’s Republic of China, also tried to persuade the secretary to refrain from taking up this issue. The Court did not heed these pleas.
- c. As a result, two diplomats from the Embassy of the People’s Republic of China, the first and third secretaries, met with a representative of the Court. The Chinese delegation claimed that the Government of the People’s Republic of China was being slandered by false allegations. They claimed that the Falun Gong practitioners are a medical menace since they preach to refrain from receiving conventional medical treatment.
- d. Additionally, the Chinese delegation claimed diplomatic immunity from any proceeding of the Court.
- e. Additionally, they argued that holding such a hearing of this complaint could damage the very good relations between the Chinese people and the Jewish people. The Chinese representatives pointed at the fact the people of China received many Jewish refugees during the Second World War.
- f. The Court is not an agent of the government of Israel; it is an independent voluntary body, who bases its deliberations and its decisions upon the great body of Jewish Jurisprudence, whose origins lie in the written Torah and the Oral interpretations as given at Sinai, and has been a living body of Law and Morals for over three thousand years. Jewish courts have a tradition of being independent of the Governments; the tradition is that Justice must rule, regardless of the Status of the litigants, as said in Deuteronomy 1,17: *Ye shall not respect persons in judgment; ye shall hear the small and the great alike; ye shall not be afraid of the face of any man; for the judgment is God's....* Our tradition insists on Justice for all, for Jew and non-Jew alike.

- g. Accordingly, the Secretary responded to the Chinese representatives that one must differentiate between a nation and the government of the nation. The Jewish people honor and respect the Chinese people for the aid they gave to the Jewish refugees from the Nazi regime during World War II, and indeed this attitude is the source of the willingness of the Court to examine the alleged suffering of a large segment of the Chinese people.
- h. Furthermore, the claim of diplomatic immunity from the hearing of the complaint of the Falun Gong practitioners against the Government of the People's Republic of China was investigated. Professor Ruth Lapidot, Professor of international law at the Faculty of Law and at the Department of International Relations of The Hebrew University, Jerusalem, explained that diplomatic immunity refers to an agreement binding on independent States, and is not relevant to investigation by other types of institutions.
- i. The Embassy of the People's Republic of China, while refusing to appear before it, sent the Court material in the form of written statements and Compact Disks to refute the complaints.
- j. Since the Embassy of the People's Republic of China refused to appear before the Court, the issue became somewhat more complicated, as by the tradition of Jewish Jurisprudence, when one side of a dispute does not appear in court, it is obligatory on the court to act not only as an objective Judge but at the same time as attorney for the side which is absent.
- k. The Court heard witnesses who came to Israel to testify. Additionally the Court employed special courts outside the State of Israel to take testimonies.
- l. The Court heard testimonies from Chinese people who left China in the last few years. These people testified to the treatment they themselves experienced at the hands of the police and other arms of the Government of China, describing many kinds of violations of basic human rights. They testified that these abuses occurred without their having been charged with any outlawed activity. Among other facts, they also testified indirectly regarding Chinese organ harvesting.
- m. The Court heard expert testimony by Mr. David Kilgour, the well known lawyer and human rights activist, who early in his career was a Crown Attorney, and later held a variety of ministerial positions, among them Minister of External Relations and Secretary of State for Asia-Pacific. He presented indirect evidence, and recordings of Chinese doctors, which were taken under the supervision of respectable committees. Mr. Kilgour was cross-examined, and was found to be a reliable witness. The court found no reason to impugn the motives of the witness. The witness also presented documents, including original documents, and including summaries of various well-reputed international organizations, which clearly give credence to the complaints.

The Court found no reason to believe that the Falun Gong practitioners had any intent nor did they make any attempt to overthrow the Government of the People's Republic China. Thus there was no acceptable excuse for the steps taken against the Falun Gong practitioners.

The Court further states, that even had the Falun Gong practitioners planned to engage in anti-government political activity, or even had they engaged in anti-government political activity, the actions taken against them were incompatible with legal or moral norms. These actions include: harassment by police, summary arrest, imprisonment without charge, various kinds of physical violence including sleep deprivation and other more violent types of torture – up to and including killing by means of organ harvesting – all this without trial!

The Jewish people not very long ago suffered such treatment at the hands of Nazi Germany: a previously rational and liberal open society was taken over by a ruthless political party. Under the control of this party, German military and police organizations tortured and murdered six million Jews and additionally killed millions of other people.

During the years of the rule of the Nazis, the government was careful to hide its criminal activities from public eye. Thus it was not possible to obtain first-person testimony to their criminal acts. However, in the end, the Nuremberg trials were conducted, and the truth about the persecution and the murders was disclosed years later.

With this background, the Court found that in cases involving persecution by governments, Justice cannot be achieved by adherence to normal rules of procedure and of evidence. Adherence to such rules would be “stopping ones ears from hearing of blood, and shutting ones eyes from looking upon evil” [per Isaiah 33,15]. The only way to discover the truth is to allow indirect, hearsay and circumstantial evidence, since that is all that is available. This type of evidence is acceptable in Noahide jurisprudence.

On the basis of the accumulation of the various testimonies and indirect evidence, the International Court of the Nascent Sanhedrin, came to the conclusion that there were unnumbered cases of killing of innocent Falun Gong practitioners, perhaps also out of consideration of material benefits derived from organ harvesting.

The Court wishes to clarify that it does not reject capital punishment in principle, in accordance with the seven Noahide commandments.

The Court finds it appropriate to turn to the Government of the People's Republic of China with an unequivocal demand to assure the minimum of liberties as indicated by the seven Noahide commandments, as given to Adam, to Noah and to all humanity, which include:

1. Prohibition of Murder
2. Prohibition of Theft
3. Dealing Justly with Criminals

4. Honoring internationally accepted humanitarian law to the extent that this law is not in contradiction to Torah and to basic human morals. These laws include prohibition of torture, unlawful confiscation of property and organ harvesting without the consent of the donor.

The Government of the People's Republic of China is required to implement the Chinese law, which was enacted in the spring of 2007, which will put an end to the killings without trial and to organ harvesting without consent.

The Government of China is required to allow missions sent by a coalition of international public organizations to investigate freely the compliance of the Chinese government agents with the basic elements of the seven Noahide commandments as stated above, which are the Human Rights Charter according to the Torah [The Five Books of Moses]. These missions are to have freedom of travel and are to have the freedom to grant protection – including extradition - to anyone who testifies or who tries to testify before these missions. These freedoms are necessary to ensure that the missions will be able to verify compliance with the said elements of the seven Noahide commandments.

In a few weeks the 2008 Olympic Games are scheduled to open. The purpose of these Olympic Games is to bring all the peoples of the world together, to strive together and to get to appreciate one another, to increase peace and brotherhood and to reduce strife, and to channel rivalries into peaceful sports instead of wars and violence.

It is our opinion, that if the human rights issues are not settled before the opening of the Olympics, participation in these Games may be understood to indicate indifference to human rights violations in China, and support for suppression. Ignoring the spilling of the blood of innocent people may even encourage more bloodshed. It must be remembered that the participation of many nations in the 1936 Olympic Games in Germany under Hitler was interpreted as consent to his regime.

Thus if the human rights issues are not addressed before the Olympic Games begin, we consider participation in them by athletes and by spectators and political leaders to be an indirect danger to world peace.

With respect to other repression which the Government of the People's Republic of China is alleged to be perpetrating or supporting, such as the Tibet Repression, the Darfur Massacres, the aid China is said to be giving to the development of nuclear weapons by North Korea – all these support the allegations of the Falun Gong practitioners regarding the attitude of the Government of the People's Republic of China towards human life and the rights of Nations.

Disclaimer: This document is a translation of the original Hebrew Decision of the Court. In all cases, the Hebrew original is the binding document.