



RED DRAGON MENACING

Chinese Communist Party(CCP) Exposed

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A613. We Must Still Hold Jiang Zemin Responsible for His Crimes Even After His Death (Part 1)

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(Minghui.org) The Chinese Communist Party (CCP) announced on November 30, 2022, that its former leader Jiang Zemin had died that day. According to modern criminal laws, usually, a deceased person can no longer be held criminally responsible. That is why Adolf Hitler was not brought up at the Nuremberg Trials—he had committed suicide.

However, posthumous trials (held after the defendant's death), although rare, do have precedents in both ancient and modern times. Joan of Arc (1412-1431), a patron saint of France, was convicted of being a heretic and executed. A formal appeal was filed decades later, and her conviction was overturned in 1456. Manente degli Uberti (1212-1264), an Italian aristocrat and military leader, was exhumed and tried for heresy in 1283. He was found guilty and his remains were subjected to a posthumous execution. Henry Plummer (1832-1864), an outlaw in the American West who was accused of killing several people, was tried posthumously (which was later declared a mistrial) in 1993. Sergei Magnitsky (1972-2009), a tax advisor and lawyer in Russia, was convicted of tax evasion in 2013, a few years after he died in prison in 2009. His wrongful conviction sparked condemnation from the international community. The

United States Congress in late 2012 enacted the Magnitsky Act aimed to punish Russian officials responsible for his death. The Act was later expanded to target human rights offenders in general. Several other countries including the United Kingdom, Canada, and the European Union have followed suit in passing similar laws.

The above examples indicate that a defendant's death does not necessarily end their prosecution. It is entirely possible to convict the wrongdoer or overturn a wrongful conviction posthumously.

Besides the punishment meted out by the court of law, other forms of posthumous punishment against the wrongdoer have also existed. For instance, Qin Hui, Chancellor of the Song Dynasty, was one of the most notorious imperial officials in ancient China. After he died in 1155, Qin was given two derogatory posthumous titles, one being *miu chou* (treacherous, from Emperor Ningzong in 1206) and another one *miu hen* (vicious and brutal, from emperor Lizong in 1254). In the *History of the Song Dynasty*, he was included in the "Traitor Biographies."

Given the above, I believe that a fair and just assessment of the crimes committed by Jiang, who ordered the persecution of Falun Gong in July 1999 and led the nation by corruption, is warranted to cement him as one of the most corrupt, promiscuous, and evil leaders in history.

Minghui has published numerous articles on Jiang recently, including “Jiang Zemin Is Responsible for China’s Widespread Moral Corruption”, “Jiang Zemin’s Legacy to China: Incalculable Destruction”, and “Jiang Zemin’s Report Card Is All F’s.”

I’d like to share my thoughts on why we must still hold Jiang responsible after his death in this three-part series.

1. Impact on the Legal System

China’s legal system since the Chinese Communist Party (CCP) took power in 1949, has been a hybrid of Marxism, Western laws, and Chinese traditions. It has many flaws. For example, Article 1 of the Constitution states, “The socialist system is the fundamental system of the People’s Republic of China. Leadership by the Communist Party of China is

the defining feature of socialism with Chinese characteristics. It is prohibited for any organization or individual to damage the socialist system.”

Under this premise, any individuals or groups could be targeted by the CCP at will, which contradicts Article 2, “All power in the People’s Republic of China belongs to the people.”

Common Understanding of Right and Wrong Underlying Laws

What’s implied in the Chinese Constitution is different from the eternal fairness and justice in Western traditions, which are traced back to Zeus (ancient Greece), Shamash (ancient Babylon), and the Bible. Similarly, Dong Zhongshu, a scholar in the Han Dynasty believed that “If heaven remains, the Tao does not change.” It means that even if one dynasty transitioned to another one, the basic understanding of right and wrong would be the same.

For example, King Zhou (Di Xin) was an infamous ruler in the Shang Dynasty. He invented the “punishment of burning flesh with a hot metal rod” for entertainment and literally

ripped out the heart of his uncle Bi Gan (who was also a loyal official).

Emperors in ancient China were also called *tian zi* (son of the heaven), meaning that they were expected to fulfill the heavens' will in governing their subjects and ensuring harmony of heaven, earth, and mankind. If an emperor failed to fulfill their mission to carry out the heavens' will, he would be judged posthumously by his successors. That was why King Zhou was given the derogatory title of *Zhou* (brutal, harming the innocent) after his death. In other words, by the laws of Shang or later dynasties that followed, King Zhou's actions were always deemed criminal and immoral.

Therefore, there is a coherent, underlying understanding of right and wrong throughout history.

Such an understanding was also reflected in the Nuremberg trials. Although Hitler himself was not put on trial, many other Nazi officials were convicted of crimes against peace, war crimes, and crimes against humanity. Among the crimes considered, crimes against humanity usually only applied to heads of state, not lower-level officials or soldiers who simply carried out orders. Nuremberg trials set a precedent to also hold non-heads-of-state criminally liable for crimes

against humanity. “Nuremberg established seven decades ago that aggression and atrocities against civilians were not just immoral, they were illegal,” wrote David Scheffer, a law professor at Northwestern University and the first U.S. Ambassador at Large for War Crimes Issues (1997-2001).

China’s legal system, however, does not permit posthumous trials or other forms of punishment. I believe it should be changed to accommodate the posthumous prosecution of Jiang.

Influence beyond a lifetime

In ancient China, the assessment of a person continued posthumously. A person with virtue was often given honorary titles after death and granted different funeral services (such as a state funeral vs. a regular funeral) depending on the titles. While such titles could benefit the deceased’s offspring, they could also be revoked had some unknown wrongdoings been identified at a later time. In contrast, someone who had done wrong may be given derogatory titles to shame them, such as the aforementioned Qin Hui and King Zhou. As a matter of fact,

it was often an emperor's responsibility to evaluate his predecessor after the latter's death.

China's modern laws, however, only focus on a person's rights or privileges, which are limited to the individual's lifetime. That is, a person who has committed a certain crime may be deprived of physical freedom or privilege of engaging in certain social and political activities. As a result, the law only applies during the individual's lifetime.

In reality, however, a person's legacy, good or bad, goes beyond the individual's lifetime. Confucius, for example, laid a foundation of traditional culture and was well respected throughout thousands of years of history. He was honored again and again in later dynasties because mankind as a whole needed to maintain moral values; any deviation could be catastrophic – as we can see from the CCP's destruction of traditional culture in the past few decades. Similarly, the conferment of negative titles to King Zhou and Qin Hui was critical because it served as a warning for people to stay away from reckless thoughts and behaviors that could harm themselves while endangering society.

In the case of Jiang, what he did was beyond King Zhou and Qin Hui. Jiang rose to the top position by suppressing the democratic movement in 1989. During his tenure, he gave away large areas of fertile land to Russia, ruled the country with corruption, and turned the public against Falun Gong practitioners for their faith in Truthfulness-Compassion-Forbearance. More specifically, he established the extrajudicial agency of the 610 Office to fully implement his persecution policy to “defame their [Falun Gong practitioners] reputations, bankrupt them financially, and destroy them physically,” as well as “to kill practitioners for their organs.” He ruined the moral foundation of China and silenced other countries who tried to challenge him for his human rights abuse... Without a thorough review of Jiang, the world would be lacking faithful records of this period of history [during his tenure].

(To be continued in Part 2)

<https://en.minghui.org/html/articles/2023/2/3/207178.html>



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