



The Secretary
Senate Foreign Affairs, Defence and Trade References Committee
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Parliament House
Canberra ACT 2600
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8 July 2005

Dear Secretary

Re: Inquiry into Matters Related to Protection Visas and Deportation

Thank you for the opportunity of making a contribution to the inquiry.

This submission will offer only a brief comment on the Terms of Reference a) and b) with the main focus on Term of Reference d), from the perspective of Falun Gong (Falun Dafa) practitioners seeking a protection visa and facing deportation.

Our response to Item d) is in two parts:

1) The role of the Department of Immigration and Multicultural and Indigenous Affairs where Falun Gong practitioners seeking protection were interviewed by Chinese officials in Villawood Immigration Detention Centre – including:

- a letter to the Minister for Immigration dated 31 May 2005;
- our observations on this matter.

2) The Department of Immigration and Multicultural and Indigenous Affairs lack of recognition of the persecution facing Falun Gong practitioners deported to China including:

- an examination of common assumptions made by DIMIA in protection visa assessments;
- a summary of issues for Falun Gong practitioners seeking refugee protection in Australia.

We trust that this submission will be of assistance to the committee.

Yours sincerely

John Deller
President
Falun Dafa Association of NSW Inc

RESPONSE TO TERMS OF REFERENCE

a) Response of the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and Trade and the Attorney-General's Department and their respective ministers to Mr Chen Yonglin's request for asylum and/or protection.

and

b) Application of the Migration Act 1958 regulations and guidelines on the maintenance of confidentiality, by the Department of Immigration and Multicultural and Indigenous Affairs, the Department of Foreign Affairs and their respective ministers in the case of Mr Chen Yonglin's request for asylum and/or protection.

The Falun Dafa Association of NSW is aware of the following serious issues we trust this inquiry can address:

- there was no provision of immediate physical protection for Mr Chen once his application for asylum and/or protection was made;
- the Chinese ambassador has said that DFAT had contacted the Chinese Embassy in Canberra to inquire what would have happened to Mr Chen if he was returned to China;
- Mr Chen has said that when he applied for protection/asylum with DIMIA, an official rang the Chinese Consulate in Sydney;
- Kym Charlton, Acting Director of Public Affairs for DIMIA has issued several media releases refuting Mr Chen's account of his first contact with DIMIA's office in Sydney;

This close contact with the Chinese officials that Mr Chen is trying to defect from seems a breach of confidentiality and an obvious cause of consternation and quite possibly serious harm for Mr Chen.

We trust that this inquiry can establish the facts of the matter and that appropriate outcomes are affected in accordance with the law.

RESPONSE TO TERMS OF REFERENCE

d) Any related matters –

ITEM 1)

The role of the Department of Immigration and Multicultural and Indigenous Affairs where Falun Gong practitioners seeking protection were interviewed by Chinese officials in Villawood Immigration Detention Centre.

Please refer to the attached letter sent to the Minister for Immigration and Multicultural and Indigenous Affairs on 31 May 2005, to which no reply has been received to date.

During May 2005, four Falun Gong practitioners were amongst the Villawood detainees who were isolated and interviewed by three Chinese officials.

Various media have reported DIMIA's confirmation that officials from other countries routinely question their nationals and that Chinese Government officials do enter detention centres as part of the assessment process and to assist deportation arrangements and the processing of travel documents for people being deported.

We hope that this inquiry can establish if under the Migration Act 1958, it is lawful to provide such unauthorised disclosure and access concerning applicants for a protection visa to the country from which that person is seeking protection. DIMIA may claim that it is lawful access, but in the case of these Falun Gong practitioners, they were in the process of appealing or lodging cases in the Federal Court.

Legal issues aside, it is a serious situation for Falun Gong practitioners because these Chinese officials are compiling data that can be used to identify and persecute the practitioners if they are forced to return to China.

From our experience in assisting practitioners with protection matters, DIMIA has a very poor understanding of the severity and nature of the persecution (see following **Item 2**) that Falun Gong practitioners face in China.

This current example underscores that observation. Can DIMIA confirm if they really know the background of these Chinese officials – especially given Mr Chen's comments on an extended Chinese spy network? It is highly likely that the practitioner's thoughts on these Chinese officials are correct – that they are from the Chinese Public Security Bureau, which coordinates with the "6-10" office (see following **Item 2a**) in the campaign to eradicate belief in Falun Gong.

RESPONSE TO TERMS OF REFERENCE

d) Any related matters – (cont)

ITEM 2)

DIMIA's lack of recognition of the persecution facing Falun Gong practitioners if deported to China.

a) Examination of DIMIA's Common Assumptions in protection visa assessments

i) Only Falun Gong "Leaders" Face Persecution?

Typically DFAT sources of Country Information from 1999 to 2001 are referenced which indicate that only leaders or activists are at risk of attracting the adverse attention of the authorities. This may have been true at the start of the persecution in 1999 but it's clearly no longer the case.

As the persecution has been evolving, 'Leaders' of Falun Gong are no longer the only targets. 'Common practitioners', family, friends and workplaces of practitioners, overseas practitioners, as well as other non-practitioners have also become targets of the persecution

CNN.com Senior China Analyst, Willy Wo-Lap Lam quotes:

"Surveillance and harassment of sect members, who apparently do nothing more than practice their brand of slow breathing exercise at home, have been stepped up. There are reports that understaffed police authorities have recruited unemployed workers in the battle against the Falun Gong."¹ (*China's Suppression Carries a High Price, 9/02/01*)

As reported by Human Rights Watch report – *Dangerous Meditation*, January 2002:

"Other work units, especially those far removed from Beijing, had for a time overlooked solitary exercise and meditation until controls were tightened nationwide after the January 2001 deaths. Although followers presumably could continue with solitary practice at home, even private practice proved dangerous when it was brought to the attention of the police or to Party officials."

The US Department of State International Religious Freedom Report for 2002 confirms,

"During the period covered by this report, government repression of the Falun Gong spiritual movement continued. There have been thousands of cases of individuals receiving criminal, administrative, and extrajudicial punishment for engaging in Falun Gong practices, admitting that they believed in Falun Gong, or simply refusing to criticize the organization or its founder."²

¹ <http://www.cnn.com/2001/WORLD/asiapcf/east/02/05/china.willycolumn/index.html>

² <http://www.state.gov/g/drl/rls/irf/2002/13870.htm> page 6

"After the January 2001 self-immolations of five individuals claiming to be Falun Gong practitioners in Tiananmen Square, the Government initiated a comprehensive effort to round up practitioners not already in custody, and sanctioned the use of high pressure

*indoctrination tactics against such individuals in an effort to force them to renounce Falun Gong. Neighborhood committees, state institutions (including universities), and companies reportedly were ordered to send all known Falun Gong practitioners to intensive anti-Falun Gong study sessions. **Even practitioners who had not protested or made other public demonstrations of belief were forced to attend such classes.** Those who refused to recant their beliefs after weeks of intensive anti-Falun Gong instruction reportedly were sent to reeducation-through-labor camps, where, in some cases, beatings and torture were used to force them to recant their beliefs."*³

The US Department Of State Country Reports on Human Rights Practices 2002 (Released in March 2003) confirms:

*"Since the Government banned the FLG in 1999, mere belief in the discipline, without any outward manifestation of its tenets, has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment, and in many cases, to suffer torture and death."*⁴

The following extract from a Washington Post article "Torture is Breaking Falun Gong", from August 2001 also confirms that "private practice" of Falun Gong was not an option to avoid the escalating persecution:

*"After a year and a half of difficulties in suppressing the movement (Falun Gong), the government for the first time this year (2001) sanctioned the systematic use of violence against the group, established a network of brainwashing classes and embarked on a painstaking effort to weed out followers neighborhood by neighborhood and workplace by workplace.....A university student in Beijing, Alex Hsu said, "They said if they didn't achieve their goals, if we didn't give up our beliefs, we'd be taken to the labor camp. **Reeducation through labor is a frightening thing to a Chinese person. We all knew we would be harmed and our lives would be in danger. We all knew someone who had died in the camps.**"*⁵

As the persecution has escalated, overseas practitioners continue to be closely monitored outside of China. A recent case is Ms Nancy Chen, an Australian citizen and Falun Gong practitioner, who was arbitrarily detained while on holiday in China, visiting her family with her 6-year old daughter in January 2003. Her husband in Australia was 'warned' by Chinese authorities not to publicise any information on Nancy's detention. The Public Security Bureau questioned all Nancy's family, friends and classmates before the Australian Consular Officials secured her release.⁶ After being safely returned to Australia, Nancy's parents and parents-in-law in China had their homes searched by Chinese authorities.⁷

Jennifer Zeng, is a Falun Gong practitioner currently residing in Australia. Her husband, however, is not a practitioner and has been arrested in China after Ms Zeng filed a legal complaint against

³ <http://www.state.gov/g/drl/rls/irf/2002/13870.htm> page 15

⁴ <http://www.state.gov/g/drl/rls/hrrpt/2002/18239.htm> page 18

⁵ "Torture Is Breaking Falun Gong - China Systematically Eradicating Group" by John Pomfret and Philip P. Pan
Washington Post Foreign Service, Sunday, August 5, 2001

⁶ "Submission to the Refugee Review Tribunal Confirming Falun Gong Practitioners in Australia Have a Well- Founded Fear of Persecution if Deported to China - April 2003" - Section 1 – Personal Testimonies, lodged in the RRT Library, Sydney

⁷ Phone call to Nancy Chen by her parents in China.

Jiang Zemin in the United States. Ms Zeng was forced to flee to Australia after her illegal detention and torture in China for practicing Falun Gong in China.⁸ This case is one of many

indicating the 'black lists' of Falun Gong practitioners in countries outside of China of practitioners and their family members, collected by Chinese agents, as directed by Jiang, the former Chinese leader.⁹

Indicative of involvement in the persecution of ordinary citizens with apparently no relation to Falun Gong, Dr Shiyu Zhou, Ph.D. quotes in his statement before the US Congressional-Executive Commission on China,

*"The [6-10] office incites hatred against Falun Gong through imposing direct pressure on even those who have no connection to Falun Gong. Examples of this include, in many regions, children in grade school being forced to sign statements denouncing Falun Gong at the threat of expulsion; **adults being forced to sign similar statements or lose their jobs or pensions**; and police, too, being threatened with loss of salary, residential privileges, or even employment should they not carry out the orders of the 6-10 Office; neighbors and co-workers are forced, via threat, to monitor those around them who might practice Falun Gong and report on them. The constitutional rights of virtually everyone in Chinese society have been violated by this government-sanctioned and official terrorist organization."*¹⁰

Please consider the recent case of **Mr Jiang Renjiang, a Falun Gong practitioner who was refused asylum in Germany, was deported to China and is now suffering in a labor camp.**¹¹

ii) Private Practice of Falun Gong Will Not Lead to Persecution?

This idea is commonly supported by reference to old information and it misunderstands the current and actual nature of the persecution against Falun Gong in China. In September 2003, the Chinese regime has called for a **"fight until the end"** against Falun Gong¹². This vow was also reported in an AFP article titled, "China Vows to Intensify Crackdown on Falungong" which also stressed the Xinhua statement, **"to eradicate the Falungong"**.¹³

This message was reinforced in **February 2005** by Luo Gan, China's top security official and one of nine members of the communist party's Politburo, in the latest issue of the party's *Qiushi* magazine, where he said it was crucial to **"fight against the Falun Gong"**.¹⁴

The intention of the persecution in China is to eliminate the practice of Falun Gong and forcibly eliminate the beliefs of all Falun Gong practitioners – not just limit them to some form of 'home

⁸ AFP: China arrests husband of Falungong [practitioner] who sued [Chinese president]
http://www.flgjustice.org/cases/RICO/Media_Reports/0111AFP.htm

⁹ FDI Media Release, 14/06/02: China's "Blacklist" Draws Attention in World's Airports, Raises Alarming Questions <http://www.faluninfo.net/DisplayAnArticle.asp?!ID=5774>

¹⁰ Statement before US Congressional-Executive Commission on China by Dr Shiyu Zhou, Ph. D. University of Pennsylvania & Rutgers University, *Human Rights and Rule of Law in China... or Lack Thereof* www.faluninfo.net

¹¹ <http://clearharmony.net/articles/200504/25956.html>

¹² http://www.sunherald.com/mld/sunherald/news/breaking_news/6719805.htm
http://news.xinhuanet.com/english/2003-09/07/content_1067641.htm

¹³ AFP China vows to intensify crackdown on Falungong 2003-09-07 22:46 (New York)

¹⁴ <http://www.thestandard.com.hk/stdn/std/China/GC01Ad08.html>

practice'. Given the resources of the PRC, trying to stay home and practise privately will not keep a practitioner safe from the persecution.

DIMIA often focus on the exercise aspect of Falun Gong and ignore the spiritual or cultivation aspect, or "xulian" in Chinese. The following explanation confirms the practice of Falun Dafa includes an exercise/meditation component **and** a spiritual/cultivation component.

*"Falun Dafa is different from most other qigong practices in that it goes beyond the pursuit of health and fitness to the goal of wisdom and enlightenment. At the heart of the practice are the supreme principles of the universe: Truthfulness, Benevolence, and Forbearance. Through a combination of studying the books and performing the exercises, practitioners strive to become better people by embodying these principles in everything they do."*¹⁵

Falun Gong practitioners in China are also fulfilling their faith and belief in the principles of Falun Dafa by public affirmation that what they practice is good i.e. the principles of Zhen, Shan, Ren (Truthfulness, Compassion, Tolerance) and that is not right to incarcerate and torture people to give up these peaceful beliefs. Therefore practitioners in China peacefully and publicly affirm that "Falun Dafa is good", which could be seen as a valid aspect of a spiritual practice – to peacefully affirm what you know to be right and just and ask for your freedom of belief.

DIMIA assessments regularly imply that Falun Gong practitioners have the choice to stay home and hide because their faith is forbidden in their country – and if they do that then their freedom of expression or worship will not be compromised. **That presumption is not supported by the evidence presented in this submission.**

Third party evidence quoted and referenced below matches that of reports from China listed on various Falun Dafa websites¹⁶ worldwide. A timeline of events indicating the escalation of the persecution as directed by Jiang Zemin, the former Chinese leader since 1999, is detailed in the Human Rights Watch Report, January 2002.¹⁷

Since 1999 the severity of the persecution has increased dramatically.

"Falun Gong practitioners and instigators should be cracked down upon to a greater degree," the order said. "First arrest them, then do the paperwork." Associated Press¹⁸

August 30, 2000, The Falun Dafa Information Centre (FDI) issued a Crisis News Bulletin¹⁹ revealing the Chinese government's plan to "Eradicate Falun Gong in 3 months":

Reliable sources in China²⁰ have disclosed plans issued by Chinese Communist head, Jiang Zemin, to mount a new attempt to wipe out Falun Gong within three months. The

¹⁵ <http://www.falundafa.org/eng/overview.htm>

¹⁶ Falun Dafa Information Centre: www.faluninfo.net; Main site for general information on Falun Dafa worldwide: www.clearwisdom.net; European Falun Dafa website: www.clearharmony.net

¹⁷ *Dangerous Meditation- China's Campaign Against Falun Gong*, Human Rights Watch, New York Washington London Brussels, Jan 2002

¹⁸ AP: Chinese democracy activists say Beijing ordered pre-Olympic crackdown, By Ted Anthony, Associated Press 5/2/2002 http://www.boston.com/dailynews/122/world/Chinese_democracy_activists_sa:.shtml

¹⁹ FDI – Crisis News Bulletin, Aug. 30, 2000. www.faluninfo.net

²⁰ See Sources of Statistical Information, Falun Dafa Information Centre www.faluninfo.net

new plan is called "Destroying the reputation of Falun Gong completely, exhausting Falun Gong practitioners financially, and eradicating Falun Gong within three months".

As reported by Human Rights Watch, January 2002, many significant changes in the persecution occurred early 2001:

"... The most significant changes came after a Central Work Conference (a meeting of high Party officials from all over China called by the Party Central Committee) in mid-February 2001, when President Jiang told provincial and municipal Party officials to strengthen local control over Falungong practitioners. The plan called for the immediate formation of local "anti-cult task forces" and similar units in universities, state enterprises, and social organizations to augment the "610 office" (named for the date of its founding), which reportedly had been directing the crackdown since June 10, 1999, and the "propaganda work office, which was in charge of the media campaign." It ordered local officials to detain active practitioners and to make certain that families and employers guaranteed the isolation of those unwilling to formally recant. There were reports that the central government had ordered local officials to use systematic violence and stepped up psychological coercion, the latter conducted by former adherents, against hard-core practitioners. "

A new directive issued by 6-10 office authorities in January 2003 requires "all work units to organize a "610" team to search for Dafa practitioners":

"On January 6, 2003, the "610 Office" authorities issued yet another new "red" document claiming that funds are to be allocated for persecuting Dafa practitioners, and the local treasuries will supplement the remaining portion.

This new "red" document requires all work units to organize a "610" team to search for Dafa practitioners; specially assigned spies who will be paid a bonus are to follow Dafa practitioners in order to find out the location of Dafa materials production centers. All work units are to implement so-called "one-to-one help," teams, which means that a party member will monitor every Dafa practitioner. They even have some electronic devices, such as special antennas, to search for Dafa materials sites. In order to incite common people to arrest Dafa practitioners living in exile, the authorities even set up a system of rewards and fines.²¹ "

The US Department of State Country Reports on Human Rights Practices - 2002 published in March 2003, describes the escalation of the persecution:

"In 2001 the Government launched a massive anti-FLG propaganda campaign, initiated a comprehensive effort to round up practitioners not already in custody, and sanctioned the use of high pressure indoctrination tactics in an effort to force practitioners to renounce the FLG. Neighborhood committees, state institutions (including universities), and companies reportedly were ordered to send all known FLG practitioners to intensive anti-FLG study sessions. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend such classes. Those who refused to recant their beliefs after weeks of intensive anti-FLG instruction reportedly were sent to reeducation-through-labor camps, where in some cases, beatings and torture were used to force them to recant²²"

²¹ [China] "610 Office" Authorities Issue a New Document: Funds are to be Allocated for Persecuting Dafa Practitioners During the Spring Festival <http://www.clearwisdom.net/emh/articles/2003/1/23/31226.html>

²² page 24 <http://www.state.gov/g/drl/rls/hrrpt/2002/18239.htm>

Establishment of “6-10 offices” throughout China

The systematic and discriminatory nature of the persecution of Falun Gong in China is clearly evidenced by the actions of the “6-10 Office” (named after its date of inception) since June 1999. A description of the power and range held by the 6-10 office is compiled from various sources below:

In his statement before the US Congressional-Executive Commission on China, Dr Shiyu Zhou, Ph.D. quotes:

*“The primary mechanism used by Jiang Zemin to persecute Falun Gong is a notorious and unconstitutional organization called the “6-10 Office,” which spans multiple levels of government, having absolute power over each level of administration in the Party as well as over the political and judiciary branches. Since its establishment in June of 1999, the 6-10 Office has become nothing short of China’s modern day equivalent to the Gestapo, orchestrating a three-year long, horrific persecution against Falun Gong and its practitioners that has resulted in hundreds of thousands of cases of arbitrary detention, false imprisonment, defamation, kidnapping, torture, sexual and psychiatric abuse, disappearance, and murder.”*²³

As described in the Falun Dafa Information Centre In-depth Report, *Jiang Zemin’s Personal Crusade*²⁴

“To implement the persecution, on June 10, 1999, Jiang established a “6-10 Office” – an illegal, above-the-law entity reporting directly to the Politburo, and with jurisdiction over the entire country. Utilizing a top-down, by-any-means-necessary approach, Jiang has whipped the nation’s security apparatus into a frenzied system of bribery, extortion and systematic torture. Those who carry out the persecution of Falun Gong practitioners are, themselves, victims who are often forced into a choice between their moral conscience and their job, their sense of duty to the people and their livelihood. It is a system that has transformed regular Chinese cities and towns into “death traps,” where “local police regularly torture residents to death,” as reported in the Pulitzer-Prize winning series of articles by the Wall Street Journal’s Ian Johnson.”

“In the past three years, the “6-10 Office” has orchestrated the persecution of Falun Gong and its practitioners. It has coerced every Political and Judiciary branch and all levels of government into implementing secret orders issued by Jiang Zemin--“Discredit Falun Gong. Cut off any financial resources to Falun Gong. Physically destroy Falun Gong practitioners.”

“The “610 Office” is responsible for hundreds of thousands of cases of defamation, extortion, expulsion (from school and jobs), beatings, torture (medieval and modern), rape, mutilation, sodomy, forced abortions, electrocution, arbitrary detention, false imprisonment, torture, sexual and psychiatric abuse, disappearance, and murder.”

²³ Statement before Congressional-Executive Commission on China by Dr Shiyu Zhou, Ph. D. University of Pennsylvania & Rutgers University, *Human Rights and Rule of Law in China... or Lack Thereof* www.faluninfo.net

²⁴ FDI- Jiang Zemin’s Personal Crusade: Why the Chinese Communist Party Leader Moved Against Falun Gong and How His Anti-Falun Gong Campaign Has Come to Dominate His Agenda
http://www.faluninfo.net/specialreports/jiangspersonalcrusade/#_ftnref7

The United States Congress House Resolution No. 188 , passed unanimously by a 420-0 vote on July 24, 2002 also exposes the brutal nature of the 6-10 office:

*"[The persecution of Falun Gong] violates the Constitution of the People's Republic of China [...] Jiang Zemin's regime has created notorious government '610' offices throughout the People's Republic of China with the special task of overseeing the persecution of Falun Gong members through organized brainwashing, torture, and murder [...] Official measures have been taken to conceal all atrocities, such as the immediate cremation of victims, the blocking of autopsies, and the false labeling of deaths as from suicide or natural causes"*²⁵

The Washington Post article "Torture is Breaking Falun Gong", from August 2001 also confirms the practices of the 6-10 office:

*".. in January (2001), Beijing's secret 610 office, an interagency task force leading the charge against Falun Gong, ordered all neighborhood committees, state institutions and companies to begin using them, government sources said. No Falun Gong member is supposed to be spared..... .By relying on "work units," to which all state employees are assigned, and neighborhood committees to ferret out and convert believers, the government is taking a page from the mass campaign tactics used by the Communist Party under the leadership of Mao Zedong."*²⁶

iii) Possessing a Passport & Leaving China Means You Are Not at Risk of Persecution

The scope of the "6-10" office is so vast and its objective so broad – to eliminate the practice of Falun Gong and those that persist in their beliefs – that it really defies comparison to pre- 1999 analysis pertaining to "wanted dissidents". As regards the significance of obtaining a passport to leave China, the following testimonies from Chinese Falun Gong practitioners now in Australia illustrate how it is possible:

Statutory Declaration from Zheng Zeng, March 2003

*"There were no Falun Gong practitioners fleeing China to seek asylum before the crackdown and the authorities obviously did not expect this at the beginning. Sometimes people may encounter a sympathetic police or government staff who are not keen to suppress Falun Gong and some things are possible if you have "relationships" in some area.....Only very limited number of people were lucky enough to obtain everything they need to flee and now it is becoming more and more difficult to run away. Even ordinary tourists are required to sign statement to guarantee that they won't receive Falun Gong flyers when touring foreign countries".*²⁷

Statutory Declaration from Zhang Zhigang, March 2003

*"I came to Australia in May 2001.....I obtained passport through contacts of acquaintances and later got visa.I was lucky enough to get the passport at that time. In fact if one wanted to obtain passport, one only needed one kind-hearted clerk who worked in the passport processing office and understood the brutal persecution and was willing to help a Falun Gong practitioner with sympathy".*²⁸

²⁵ <http://usinfo.state.gov/regional/ea/uschina/falun188.htm>

²⁶ "Torture Is Breaking Falun Gong - China Systematically Eradicating Group" by John Pomfret and Philip P. Pan Washington Post Foreign Service, Sunday, August 5, 2001

²⁷ "Submission to the Refugee Review Tribunal Confirming Falun Gong Practitioners in Australia Have a Well- Founded Fear of Persecution if Deported to China - April 2003" - Section 1 – Personal Testimonies, lodged in the RRT Library, Sydney

²⁸ As for Footnote 14

Even with such a wide ranging persecution in China it may be possible to obtain a passport without it having great significance for ones future safety. **That is the alarming aspect of this persecution – that any practitioner can be detained, tortured and murdered – at any time.** For Falun Gong practitioners outside of China a “blacklist” does indeed exist and seems quite an effective way of controlling entry to China.²⁹

Notwithstanding the above, many Falun Gong practitioners have felt the efficiency and ruthlessness of the PSB, including US citizen Dr Charles Li who is currently in Nanjing Prison in Jiangsu Province after being arrested in China when visiting relatives January 2003.³⁰

b) Summary of Issues for Falun Gong Practitioners Seeking Refugee Protection in Australia

Introduction

In the 4 years from July 1999 (when the persecution of Falun Gong began in China) to 30 June 2003, DIMIA has a record of 4,385 applications for refugee protection from PRC nationals in Australia. 125 have been granted temporary protection visas. There are about 1,000 applications for protection each year and 77 were approved in the past year.

As the major human rights tragedy occurring in China today, it is reasonable to assume that Falun Gong would be used as a pretext in the majority of these applications.

Yet we know of less than 80 Falun Gong practitioners who have sought or are seeking refugee protection in Australia. About 45 have been approved so far - 3 at first stage, 2 at the Ministers discretion and the rest through the RRT. Currently there are about 12 in Villawood Detention Centre, about 15 before the courts and another 5 before the RRT.

Why are they seeking protection?

Because in China, behind the facade of the new buildings and trade opportunities, and the looming Beijing Olympics, there is an ongoing genocidal campaign to eradicate over 100 million peaceful Chinese people who wished to practice their healthy and moral Chinese tradition of Falun Gong.

Just as Mao had tried to eliminate educated people and Chinese traditions in the “Cultural Revolution” , the former Chinese leader Jiang Zemin has tried to eliminate the belief and practice of Falun Gong for similar reasons – to control peoples hearts and minds for his own personal ends and the perpetuation of the Chinese Communist Party’s absolute power over the people.

²⁹ FDI Media Release, 14/06/02: *China’s “Blacklist” Draws Attention in World’s Airports, Raises Alarming Questions* <http://www.faluninfo.net/DisplayAnArticle.asp?ID=5774>

³⁰ http://www.faluninfo.net/fdifocus.asp?FocusType=Charles_Li

But why would Jiang do such a thing - 100 million Chinese people trying to be honest and good is obviously such a great thing for the society? Consider the principles of Falun Dafa – Zhen , Shan, Ren - Truth, Compassion, Forbearance – to be a true and good person. These principles are at the heart of all spiritual traditions – and they are also the antithesis of the Communist party’s rule by deceit, terror and corruption.

The Chinese people are being forced to choose between a spiritual death or a physical death. In a spiritual context – it is a choice between good and evil. In a practical context – it is a choice between rationality and madness.

Why it is a Unique Human Rights Tragedy?

Over the last 6 years, the persecution of Falun Gong in China has brought about more law suits world-wide for human rights crimes than any other case since the WW2.

There has been shocking and well known cases like Rwanda, Pinochet and Milosovic – but for the number of law suits filed in courts around the world (22 to date), the widespread plaintiffs from 10 countries and the number of people targeted by the persecution in China (100 million) – Falun Gong stands out like a beacon as a human rights tragedy – yet we hear very little about it.

Why Don't You See It ?

Unlike other human rights tragedies happening now around the world, you won't see any Falun Gong practitioner being tortured in the media. From Darfour in the Sudan, from Iraq or Afghanistan you can see TV reports beamed across the world which graphically depict the suffering - so we know it exists.

In China, western media can not access the labor camps and brain washing centres where Falun Gong practitioners are murdered and tortured in the thousands. So it is a *media-unfriendly* tragedy, which consigns those suffering to a sort of limbo where no one seems to care – because no-one knows.

Yes there are US State Dept reports, Human Rights Watch and AI reports, documented psychiatric abuse reports and first hand witness accounts from practitioners who escaped to Australia and hundreds of others around the world – which describe the horror and systematic campaign to kill off Falun Gong practitioners who maintain their beliefs – but it is not seen in the media.

Why Don't You Hear About It ?

Sadly, the news of one practitioner dying each day following hidden torture in Chinese labor camps may not be considered “news”, especially without any graphic image to carry the story. Even if at the end of each month there is 30 dead, it still may not be ‘newsworthy’. Also, the appeals by practitioners in China and around the world always exhibit the heart of Falun Dafa – they are always peaceful – so they are ignored as there is no attention catching violence. The violence that is very real and deadly, however is carried out in secret in the labor camps and gaols, where no media can expose it.

Perhaps there are more insidious reasons why we don't hear of the suffering of practitioners in China. Is there any country, from where we would accept refugees, where our government *does not* speak up publicly to condemn the human rights situation in that country? Whether it is Nigeria, Eritrea or Zimbabwe in Africa, or Afghanistan or Iraq - our government does *rightly* condemn human rights abuses. But in the case of China, our government has remained eerily silent.

Why? Because of an agreement to *not* publicly condemn China's human rights record. This agreement is supposed to help influence China in a positive way, through the Technical Assistance program of the Human Rights Bilateral Dialogue. Yet this approach clearly has had no positive effect on the persecution of Falun Gong practitioners, as the past 6 years has seen the torture and killing escalate with 2,629 deaths to date. Also, such dialogue with mid-level officials also has no effect on the Communist Party hierarchy such as the Public Security Bureau and the "6-10" office, the Gestapo-like organisation set up to control the elimination of Falun Gong practitioners.

Instead of Australia influencing China - China has actually influenced Australia.

By not publicly condemning the ongoing persecution of Falun Gong in China, our government has tacitly accepted it. The effect of this acceptance is to send a message to China that we in Australia place the highest importance on trade and business.

This has emboldened the Communist Chinese government to continue unabated with the persecution. They have learnt that they can do what they like – they can continue to torture and kill innocent people because Australia and much of the western world will remain silent because of trade.

Our compliance is the further degradation of our morality, and the hardening of our national heart to those in desperate need, which may also be reflected in the approach to refugees over the last few years.

One member of our government advised that we have 500,000 jobs tied up in China so it is too idealistic to expect the government to speak up openly for the human rights of Falun Gong practitioners. Another government MP advised that we could not openly condemn the human rights abuses against Falun Gong practitioners in China as we have to consider all sides, we don't want to upset the local Chinese business community either.

In trying not to offend anyone, we end up committing the greatest offence – to not express our conscience, to not speak up for what is right and just – for the sake of our perceived self interest.



Senator the Hon Amanda Vanstone
Minister for Immigration and Multicultural and Indigenous Affairs
Suite MF 40, Parliament House
Canberra ACT 2600
Fax: (02) 6273 4144

31 May 2005

Dear Minister

URGENT

Chinese Officials Access to Falun Gong Practitioners in Villawood Detention Centre

I write on behalf of the Falun Dafa Association of NSW. We are extremely concerned at the interrogation of Falun Gong practitioners in Villawood Detention Centre by three Chinese officials, who appear to be from the Chinese Public Security Bureau. We request your immediate advice as to how this can be permitted, what exactly is the purpose and who are these Chinese officials?

We have sited letters passed out of Villawood Detention Centre that confirm Mr Yu Feng MAO, Mr Tao ZHANG and Mr Chang Song ZHANG are among a group who have been segregated in the Manning Building in Stage 2 and may face imminent deportation and who have been 'interviewed' by the three Chinese officials. We understand the practitioners have not been allowed to make any phone calls or seek legal representation.

We confirm that Mr Mao is a practitioner who began Falun Gong in Dalian City in Liaoning Province in China, while we understand that both Mr Zhang's began the practice of Falun Dafa in Australia. All three would face the same fate if returned to China and we do not expect that the Australian government would return them against their will.

Today we received another account of a Falun Dafa practitioner held in Villawood, Ms Shu Ling WANG, who was also 'interviewed' by these Chinese officials. She was told that the officials are "doing work for DIMIA". What exactly is the nature of this work? From the reports of these Chinese officials dress, actions, what they said and their knowledge of Falun Gong they are suspected to be from China's Public Security Bureau, especially as they asked the practitioners who was their local head of the Security Bureau in China.

We affirm that no genuine Falun Dafa practitioner should be sent back to China while the current persecution exists and respectfully await your reply.

Yours Sincerely

John Deller
President Falun Dafa Association of NSW Inc