

# Chapter 5

## Mr Chen's claims and support for them

5.1 This chapter considers the claims made by Mr Chen and others involving the treatment of Falun Gong practitioners, kidnapping allegations, an extensive spy network operating in Australia and the harassment and monitoring of Australian citizens. This chapter details the evidence provided to the committee about the actions taken by the government to investigate these claims.

### Mr Chen's claims

5.2 On 26 May 2005, Mr Chen left two letters at the DIMIA security desk outlining the reasons for his request for political asylum and detailing his claims. A summary of the claims is as follows:

1. In his role as Consul for political affairs, Mr Chen has been in charge of implementing the PRC Central Government policy in relation to the Five Poisonous Groups (Falun Gong, pro-democracy movement activists, pro-Taiwan independence force, pro-Tibet separation force and Eastern Turkistan force). In particular, he has been required to persecute Falun Gong practitioners overseas;
2. While in Australia, Mr Chen has assisted Falun Gong practitioners avoid persecution in China;
3. He is fearful that these activities undertaken over the last 4 years and 1 month will be discovered by his successor at the PRC Consulate-General in Sydney;
4. Mr Chen has assisted Falun Gong practitioners avoid persecution because the PRC Central Government's policy is against his conscience and will. Mr Chen believes that Falun Gong is a vulnerable, innocent social group in need of help, not persecution;
5. Mr Chen is distressed that he has been working for an authority which has unjustifiably placed Falun Gong practitioners in labour camps, jails, forced re-education courses and put un-cooperative practitioners to death; and
6. Mr Chen fears that should he return to China, he may continue to be asked to assist in the persecution of Falun Gong. He could not do this, even under pain of death.<sup>1</sup>

### Persecution in China

5.3 According to the Falun Dafa information centre, 'Falun Gong (or Falun Dafa) is an ancient form of qigong, the practice of refining the body and mind through

---

1 *Submission 7 (RACS)*, pp. 11-12.

special exercises and meditation. Since being introduced to the general public in 1992 by Mr Li, Falun Gong has attracted tens of millions of people in over 60 countries'.<sup>2</sup>

5.4 The Chinese government does not see the Falun Gong in the same light. It has made clear it regards the Falun Gong as an evil cult.

Our struggle against Falun Gong is protracted, acute and complicated.<sup>3</sup>

5.5 In 2002, the Chinese Foreign Minister indicated that in the government's view 'there has been a tendency within the Falun Gong that merits our attention and alert, that is it's turning increasingly violent'. The Chinese government has taken measures to deal with Falun Gong but it states only legal means have been used.<sup>4</sup> Although the government has said any measures they are taking are lawful, Falun Gong practitioners do not accept this view.

5.6 Regarding the persecution of Falun Gong practitioners, Mr Chen told the committee:

At least in the past four years I received two delegations from the central 610 office, and I was told that there are 60,000 Falun Gong practitioners in China – half of them in prison and labour camps. I received some individual cases when I was working in the Chinese consulate and often used to express this to the outsiders and media reports to clarify China's position. Obviously that shows that there is serious persecution in China of the Falun Gong.<sup>5</sup>

5.7 The committee also received evidence from the Falun Dafa Association of NSW, the Federation for a Democratic China, Mr Collaery, Mr Hao and Mr Z detailing allegations of persecution of Falun Gong practitioners in China. Excerpts of evidence regarding the alleged activities of the 610 office towards Falun Gong practitioners is at Appendix 5.<sup>6</sup> Of particular concern to the committee were the allegations of monitoring and harassment of Falun Gong practitioners in Australia.

---

2 Australia Falun Dafa Information Centre, accessed at <http://www.falunau.org/aboutdafa.htm> on 14.7.05.

3 Luo Gan, member of the Political Bureau of the Chinese Communist Party Central Committee, addressing a national conference of directors of justice departments, 28 December 1999, quoted in a paper by Amnesty International, The crackdown on Falun Gong and other so-called 'heretical organisations' accessed at <http://web.amnesty.org/library/print/ENGASA170112000> on 6.7.05.

4 Chinese Minister for Foreign Affairs, Tang Jiaxuan, meeting with the Australian Minister for Foreign Affairs, Alexander Downer on 19 March 2002, accessed at [http://www.dfat.gov.au/media/transcripts/2002/020319\\_pressconf\\_formin\\_china\\_au](http://www.dfat.gov.au/media/transcripts/2002/020319_pressconf_formin_china_au) on 10.8.05.

5 *Committee Hansard*, 26 July 2005, p. 53.

6 The evidence regarding the persecution of Falun Gong is supported by *Submission 1* (FDC), *Submission 4* (Falun Dafa Association of NSW) and *Submission 6* (Mr Collaery).

## Spying in Australia

5.8 Mr Chen also alleged the operation of an extensive spy<sup>7</sup> and information gathering and monitoring network in Australia:

I got the number of 1,000 secret agents and informants from a document and I know that there are two systems operating in the Chinese missions overseas in some important cities like Canberra and Sydney. One is the diplomatic system; the other is the information collection system reporting to the intelligence service of China. When I was working in the Chinese consulate in Sydney, I often accessed reports from Beijing, China, about some activities of dissidents that even we in Sydney did not know about. These were from certain intelligence services that indicated that they were very active in Australia, especially when there was a very senior official or leader visiting Australia including Chairman Li Peng in the year 2002, President Hu Jintao in the year 2003 and, this year, Chairman Wu Bangguo. They gave all these information alerts. That made it very clear to me that there must be a network operating in Australia.<sup>8</sup>

5.9 Mr Chen repeated these allegations when invited to speak to a US House of Representatives Human Rights Committee:

According to my knowledge, the persecution on the Falun Gong by the Chinese Communist Party is a systematic campaign. All the authorities especially of public security, state security and Foreign Affairs are involved in the persecution...In each Chinese mission overseas, there must be at least one official in charge of the Falun Gong affairs, and the head and the deputy head of the mission will be responsible for the Falun Gong affairs. I am aware there are over 1000 Chinese secret agents and informants in Australia, who have played a role in persecuting the Falun Gong...<sup>9</sup>

5.10 These claims were supported by other witnesses including Mr Collaery, Mr Hao and Professor Fitzgerald. See Appendix 5 for excerpts of their evidence.

5.11 Mr Liang, a member of the Federation for a Democratic China (FDC) said that the government must take action to investigate the spy and informer network claims. The Falun Dafa Association in Australia has also called upon the Australian Government to fully examine allegations of Chinese spies operating in Australia.

5.12 Professor Fitzgerald told the committee that in his view a message needs to be driven home to China's representatives in Australia that surveillance of Australian citizens will not be tolerated.<sup>10</sup> He noted:

---

7 See *The Australian*, 6 June, p.4; the *Australian Financial Review*, 6 June 2005, p. 8.

8 *Committee Hansard*, 26 July 2005, p. 53.

9 Testimony of Chen Yonglin at the United States Congress Committee on International Relations, 21 July 2005.

10 *Committee Hansard*, 27 June 2005, p. 80.

It is an opportunity to make a number of very public gestures which would send a message home that, leaving aside trade, leaving aside diplomacy and all the constraints and protocols that apply in those areas, when it comes to Australian sovereignty and citizenship and what happens here, there is no mucking around – it has to stop.<sup>11</sup>

### ***Government response to allegations***

5.13 Mr Downer has refused to comment on the spy network claims saying that 'it is a time-worn tradition of Australian governments over many years not to get into any discussion about that aspect of intelligence matters'.<sup>12</sup>

5.14 ASIO advised that 'Mr Chen has made allegations in the media that the PRC government has been engaged in foreign interference and espionage in Australia. These allegations are being looked at closely and the Government has given Mr Chen the opportunity to bring forward any information he wishes'.<sup>13</sup>

### **Harassment of Australian citizens**

5.15 Mr Chen's allegations went beyond spying activities to the harassment and intimidation of Australian citizens.

5.16 These claims have been supported and examples have been provided by the FDC and excerpts of this evidence are at Appendix 5.

5.17 The FDC urges the Federal Government to fully investigate the claims made by Mr Chen and, if necessary, take firm measures to protect Australian citizens from harassment by the Chinese Government.<sup>14</sup> Mr Chin Jin from the FDC told the committee 'it is my view that governments should take action to stop the wrong doing of the Chinese communist government's infiltration and manipulation of the ethnic Chinese community'.<sup>15</sup>

### ***Kidnapping allegations***

5.18 Mr Chen alleged that people have been kidnapped from Australia and cited a particular case of Lan Meng. According to the press, Lan Meng was kidnapped by Chinese agents which forced his father Lan Fu to return to China.<sup>16</sup> This case was referred to the AFP for investigation on 9 June 2005 and they were asked to conduct

---

11 *Committee Hansard*, 27 June 2005, p. 83.

12 *Canberra Times*, 6 June 2005, p. 3.

13 *Submission 5* (ASIO), pp. 1-2.

14 *Submission 1* (Federation for a Democratic China), pp. 2-3.

15 *Committee Hansard*, 25 July 2005, p. 2.

16 Transcript, Lateline, 6 June 2005, accessed at <http://www.abc.net.au/lateline/content/2005/s1385925.htm> on 4.8.05.

inquiries to establish whether any criminal offences occurred in Australia regarding the allegations of abduction.<sup>17</sup>

5.19 Ms Russ, Manager Economic and Special Operations, AFP, informed the committee that the person who was alleged to have been abducted, Lan Meng, was located and interviewed. Following the completion of inquiries, the AFP concluded that there was no substance to the allegations.<sup>18</sup> Notwithstanding that, Ms Russ confirmed that Lan Meng's statement could not be released to the committee because it contained important and sensitive information obtained during the interview.<sup>19</sup>

5.20 When Mr Chen was told of the AFP findings, he expressed surprise and questioned whether they had checked all the details. He thought that Chinese secret agents may have threatened Lan Meng. Mr Chen told the committee that Lan Meng's father is still in prison in China serving a life sentence.<sup>20</sup>

5.21 The committee cannot understand the failure of the AFP to obtain a statement directly from Mr Chen as to the kidnapping allegations and any other matters within their jurisdiction. This is a serious allegation but the committee is unable to make any determination in the matter.

## **Other issues raised with the committee**

### ***Treatment of Chinese nationals applying for protection***

5.22 The committee was informed about a number of cases of Chinese applying for protection visas who experienced some delay before being granted the visa. For example, Mr Hao Fengjun, who arrived in Australia and applied for a protection visa in February 2005, was not contacted by any government agencies until he went public on 7 June 2005.<sup>21</sup> Professor Yuan Hongbing, a well recognised participant in the pro-democracy movement, had to wait 12 months to get a protection visa.<sup>22</sup> Submission 6 contains further details on these and other cases. The committee draws the department's attention to what would seem to be undue delay in processing these cases. Notwithstanding, there is no evidence of them being declared unlawful non-citizens.

---

17 *Committee Hansard*, 26 July 2005, pp. 1-2.

18 *Committee Hansard*, 26 July 2005, p. 3.

19 *Committee Hansard*, 26 July 2005, p. 10.

20 *Committee Hansard*, 26 July 2005, pp. 56-57.

21 *Committee Hansard*, 26 July 2005, pp. 68-69.

22 *Committee Hansard*, 26 July 2005, pp. 70-71.

### ***Concerns with information used for DIMIA assessments***

5.23 The Falun Dafa Association of NSW states that typically DFAT sources of Country Information from 1999 to 2001 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.<sup>23</sup>

5.24 The association levelled the same criticism at DIMIA stating that 'DIMIA assessments regularly imply that Falun Gong practitioners have the choice to stay home and hide ...and if they do then their freedom of expression or worship will not be compromised'.<sup>24</sup> They state emphatically that this presumption is not supported by the evidence presented in their submission.

5.25 Mr Deller, President, Falun Dafa Association of New South Wales, told the committee that DIMIA believes that only Falun Gong leaders face persecution and that the private practice would not lead to persecution and that this is incorrect.<sup>25</sup> He stated that 'the persecution is an attempt to eradicate the belief of every person in China who believes in Falun Gong. You cannot do that. I think that there is an acknowledgment on a superficial level that the persecution exists, but there is no real understanding of how bad it is'.<sup>26</sup> He added that he raised these concerns with DIMIA and DFAT when they had the opportunity and submitted additional information for clarification.<sup>27</sup>

5.26 In summary, Mr Deller said that he believed DIMIA exhibits an apparent lack of understanding of the totalitarian nature of the Chinese communist regime and what that means for anyone seeking protection.<sup>28</sup>

### ***Questioning of Chinese nationals by Chinese officials***

5.27 Mr Deller, told the committee of a number of Chinese nationals being questioned by Chinese officials at Sydney's Villawood detention centre in June 2005. He raised the issue that the Migration Act or Refugee convention may have been breached by these actions. Mr Deller told the committee that they have raised the issue

---

23 *Submission 4* (Falun Dafa Association of NSW), p.3.

24 *Submission 4* (Falun Dafa Association of NSW), p.6.

25 *Committee Hansard*, 25 July 2005, p. 13.

26 *Committee Hansard*, 25 July 2005, p. 21.

27 *Committee Hansard*, 25 July 2005, p. 20.

28 *Committee Hansard*, 25 July 2005, p. 12.

with the Minister for Immigration and Multicultural and Indigenous Affairs on 31 May 2005 but have not yet received a reply.

5.28 In response, Mr Hughes, DIMIA, informed the committee:

There was a group of people at Villawood detention Centre many of whom, I am not sure if it was all, had been through visa processes and found not to be owed protection by Australia, so therefore the process was completed. However, they either did not have travel documents that were available to the department or were not cooperating with their removal. So in order to obtain travel documents for them, the removals area of the department has to liaise with the government of their home country about the issuing of travel documents so that the people can travel home. In some circumstances, the government of that country, as in this case, wants to actually be certain that the people are nationals of that country before issuing travel documents and so that is what that particular process was about. Otherwise, the people concerned would be potentially faced with very long-term detention. Having completed their visa possibilities and not got visas, if arrangements were not made to get them travel documents, they would face prolonged detention.<sup>29</sup>

I am advised that we do not give any information about the nature of any application to remain in Australia. We provide the source country with very limited biodata that may help them identify whether or not the person is a national of that country... We have a name and date of birth and some other basic details... but we tell them nothing about any applications that person may have made to stay in Australia or the content of those applications.<sup>30</sup>

5.29 Responding to a question regarding whether people who had applied for asylum were interviewed by Chinese officials, Hughes further stated:

I think the statement in the press at the time was that no-one who had not completed the asylum process was interviewed. That turned out to be wrong or partly wrong in one case, where I believe a person was subsequently found to have been finally determined in terms of a departmental and RRT decision but was still in litigation of some form, and the minister intervened to allow that person to stay.<sup>31</sup>

5.30 In additional information provided by DIMIA to the committee on 16 August 2005, Mr Hughes sought to clarify his answer and advised 'the interviews were conducted by three officials from relevant provincial areas in the PRC. The role of the officials was to assist the PRC Embassy in Australia in verifying the nationality and identity of those persons in Villawood Immigration Detention Centre who may be from the PRC and who are to be repatriated'.<sup>32</sup>

---

29 *Committee Hansard*, 8 August 2005, p. 46.

30 *Committee Hansard*, 8 August 2005, p. 47.

31 *Committee Hansard*, 8 August 2005, p. 47.

32 Additional Information from DIMIA received on 16 August 2005.

5.31 Issues on human rights will be discussed in the Senate Foreign Affairs, Defence and Trade Committee report on Australia's relationship with China due to be tabled 15 September 2005.

**Conclusion**

5.32 The committee draws attention to the allegations regarding Chinese surveillance carried out in Australia. It notes that the government has not directly refuted these allegations, which sometimes went beyond spying to involve harassment and intimidation of Australian citizens. Only the kidnapping allegation was considered by the AFP to have no substance. However, the AFP did not interview Mr Chen.

5.33 The committee understands that this is a most sensitive issue for the government. Even so, in light of the allegations now on the public record, the government should make some response to them. In so doing, take the opportunity to state publicly that the Australian government takes very seriously its obligations to protect those resident in Australia and will not tolerate its laws being disregarded.

SENATOR STEVE HUTCHINS  
CHAIRMAN