

Appendix 5

Support for Mr Chen's claims

1. The following are excerpts from evidence provided to the committee supporting Mr Chen's claims involving the treatment of Falun Gong practitioners, kidnapping allegations, an extensive spy network operating in Australia and the harassment and monitoring of Australian citizens.

Persecution of Falun Gong

2. Mr Bernard Collaery, legal representative for Mr Hao Fengjun told the committee of Mr Hao's experience of working in the 610 office and their activities:

...He left his policing duties on moral grounds. After his arrival in Australia on 16 February 2005, he provided an affidavit setting out his experiences as a professional police officer...He states that he enjoyed his career until he was drafted into the 610 office. By way of introduction, 'the 610 office' refers to an office established by proclamation on 10 June 1999 that suppressed the Falun Gong movement.

Mr Hao states that a notice went around his police district in Tianjin city, a large city with eight different police stations, asking for volunteers to join the 610 office. They only got one volunteer. Their police numbers were put into a computer, and he was unfortunate enough to be chosen to be drafted into the 610 office. In the 610 office, his first duty was to work on the human resources and analysis effort in studying the membership and structure of the Falun Gong in Tianjin City. He travelled necessarily to the 610 Office headquarters in Beijing, which are located in the Ministry of Public Security. He found that the 610 Office did not abide by all of the usual police codes of conduct for the arrest, interrogation and detention of prisoners.

Mr Hao became disheartened by the maltreatment of the Falun Gong and he decided to take to the West the story of what the 610 Office are doing to the Chinese people, particularly, and doing abroad. He secured a large quantity of electronic information and brought that to Australia. That information establishes irrefutably the existence of the 610 Office, now called No. 26 Bureau, headquartered in Beijing. The material brought by this courageous police officer includes information concerning the three-year plan for the 610 Office operations in China and abroad. The functions of the 610 Office, or No. 26 Bureau, have been expanded to embrace 14 religions in China, including the established religions known in Australia and other religions and Bible groups.¹

3. Mr Hao told the committee:

1 *Committee Hansard*, 26 July 2005. p. 66.

I did not personally witness any Falun Gong practitioner's deaths, but I saw those that had been arrested being interrogated and torture being used on them.²

Basically it was physical punishment like using an iron rod to beat them, or hanging them up on a door or elsewhere with handcuffs for a long time.³ Normally, in our police rules and procedures and the criminal code, police cannot detain suspects for more than 24 hours without them being charged. It was different with the 610 Office detainees. There were no restrictions on holding detainees who were Falun Gong...and there were no restrictions on beating Falun Gong practitioners.⁴

4. Mr Collaery stated:

As an outcome of near global agitation by the Falun Gong movement, the activities of the notorious Gestapo-like 610 office have spread abroad. The 610 office is but one of many branches of the State Security apparatus dedicated to controlling discreet movements of the population and cohorts abroad. The Falun Gong movement has been more successful than other groups in drawing attention to persecutory actions.⁵

5. Mr Z, spoke to the committee and his affidavit is contained in Mr Collaery's submission. It tells of him being told by a colleague and friend of the torture and murder of a Falun Gong practitioner by police officers.⁶

6. Professor John Fitzgerald has written

leaving aside the rationality or otherwise of the Falun Gong religious movement, the liberty to believe and practise religion is a fundamental right in Western liberal democracies. Freedom of religion is non negotiable. If it can be established that China's secret security system has spun out of control in Australia in response to Falun Gong and other alleged threats to the Communist Party state, then Chinese attempts to suppress dissidents at home becomes a matter of concern not just to the AFP, to Foreign Affairs but to all citizens of this country.⁷

7. The Falun Dafa Association of NSW supports Mr Chen's claims of the existence of the 610 office which specifically targets Falun Gong practitioners and their submission provides examples.⁸

2 *Committee Hansard*, 26 July 2005, p. 68.

3 *Committee Hansard*, 26 July 2005, p. 68.

4 *Submission 6* (Mr Collaery), p.12.

5 *Submission 6* (Mr Collaery), p.5.

6 *Submission 6* (Mr Collaery). pp.13-14.

7 Australian Policy Online, accessed at http://www.apo.org.au/webboard/print-version.shtml?filename_num=01207 on 15.7.05.

8 *Submission 4* (Falun Dafa Association of NSW), pp.8-9.

Support for Mr Chen's claims of persecution of Falun Gong from overseas

From Canada

8. In early July, the press reported on a Chinese defector in Canada who supported claims made by Mr Chen and Mr Hao regarding a Chinese spy network in Australia. Mr Han Guangsheng was reported to be a former spy and prison camp administrator who defected to Canada in 2001 but only recently came forward with his story. He stated that he heard many accounts of maltreatment of hundreds of Falun Gong practitioners. 'They try to brainwash Falun Gong practitioners. The ways they use is to force them to read the newspaper and to watch news from the Communist Party and then force them to write a denunciation. They talk to them 24 hours a day, so these practitioners who refuse to get brainwashed can't get rest and if they continue to refuse they will be tortured'.⁹

9. Claims of an aggressive network of Chinese agents and the 610 Bureau were also confirmed by a former Canadian Intelligence Officer speaking to the press. Mr Michel Juneau-Katsuya said that harassment of pro-democracy and Falun Gong practitioners occurs in Canada. He stated 'definitely there would be sort of campaign harassment from phone calls in the middle of the night to monitoring or surveillance...We have evidence also or allegations at least of people coming from Canada going back for a trip for one reason or another to China and claiming they had been arrested right away on boarding the plane and had been heavily questioned by the Chinese authorities...'.¹⁰

US State Department

10. A report by the US State Department, Supporting Human Rights and Democracy: The US Record 2004-05, states:

China's authoritarian Government continues to suppress political, religious and social groups, as well as individuals that it perceived to be a threat to regime power or national stability. The Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses. It refused to allow social, political or religious groups to organize or act independently of the Government and the Communist Party. Those who tried to act independently were often harassed, detained or abused by the authorities.¹¹

11. A report on International Religious Freedom in 2002, stated:

During the period covered by this report, the Government's respect for freedom of religion and freedom of conscience remained poor, especially

9 Lateline transcript, 6 July 2005.

10 Lateline transcript, 6 July 2005.

11 U.S Department of State, Supporting Human Rights and Democracy: The US record 2004-05, 28 March 2005, accessed at <http://www.state.gov/g/drl/rls/shrd/2004> on 7.7.05.

for many unregistered religious groups and spiritual movements such as the Falun Gong...The Government continued its repression of groups that it determined to be cults in general and of the Falun Gong in particular. Various sources report that thousands of Falun Gong adherents have been arrested, detained, and imprisoned, and that several hundred or more Falun Gong adherents have died in detention since 1999.¹²

12. Yet another U.S Department of State Report, Country Reports on Human Rights Practices 2002, stated:

The Government continued its crackdown against the Falun Gong spiritual movement. Thousands of practitioners were incarcerated in prisons, extrajudicial re-education-through-labor camps, psychiatric facilities or special deprogramming centres...Several hundred Falun Gong adherents reportedly have died in detention due to torture, abuse and neglect since the crackdown on Falun Gong began in 1999.¹³

Non-Government organisations

Amnesty International

13. Amnesty International reports that the Falun Gong spiritual movement was banned in China in 1999 as a heretical organisation and a threat to social and political stability. They further state that:

Since then, thousands of Falun Gong practitioners have reportedly been imprisoned, assigned to 're-education through labour', or forcibly institutionalised in psychiatric hospitals where they are at high risk of torture and ill-treatment, in particular if they refuse to renounce their beliefs. Overseas Falun Gong organisations claim that over 1,800 practitioners in China have died either in custody or shortly after they have been released, largely as a result in injuries sustained as a result of torture and ill-treatment while in custody. Amnesty International has been unable to verify these statistics but remains concerned about the widespread use of arbitrary detention and torture or ill-treatment against Falun Gong practitioners.¹⁴

14. In 2002, Amnesty International stated that:

Falun Gong sources have claimed that a special government taskforce, the '610 office' was established to lead the campaign against the Falun Gong

12 U.S Department of State, China (includes Hong Kong and Macau) International Religious Freedom Report 2002, accessed at <http://www.state.gov/g/drl/rls/irf/2002/13870.htm> on 11.7.05.

13 U.S. Department of State, China (includes Tibet, Hong Kong and Macau) Country Reports on Human Rights Practices 2002, accessed at <http://www.state.gov/g/drl/rls/hrrpt/2002/18239.htm> on 11.7.05.

14 22 April 2005 UA 97/05 Fear of torture or ill-treatment/possible prisoner of conscience, accessed at <http://web.amnesty.org/library/print/ENGASA170092005> on 6.7.05.

and it issued unwritten instructions in 2001 allowing police and other officials to go beyond legal restraints in the campaign, discharging them of responsibility if a Falun Gong member dies in detention due to beatings. Over 350 Falun Gong practitioners are reported to have died in custody since the 1999 ban.¹⁵

Spying in Australia

15. One witness in particular, Mr Hao Fengjun, came forward to support Mr Chen's claims in this area. Mr Bernard Collaery told the committee on behalf of Mr Hao:

If your committee wants a comment on Chen Yonglin's statement about a thousand spies in Australia, or words to that effect, the witness has brought large megabytes of information that indicates intensive agent activity in Canada, the United States, Hong Kong, and Macau, less intensive activity in Australia and a preoccupation, of course, with Taiwan and groups there. If you want a professional comment, it is police special branch type information. It is not information that relates to nuclear scientist spies and that type of espionage. It is what the French historically call 'correspondance'. They are people who have useful information and who agents get alongside, get information from and otherwise seduce. We have all the instruction manuals, the information for it and the list of payments, because Mr Hao was a paymaster, in some respects. Because of a concern about where this information would go in Australia, Mr Hao is assisting the translation of that material at the moment to determine where people are and to make sure nothing is compromised accidentally at this stage.¹⁶

16. Professor Fitzgerald supports Mr Chen's claims of a spy network and has written:

The size and impact of the Chinese informant network in Australia reaches far beyond the small cohort of cloak and dagger intelligence operatives who are based in embassies, consulates, information bureaus, travel agencies and other legitimate businesses. Like the old East German Stasi informant system, China's informant network is built on the benign principles of neighbourhood watch under the less benign supervision of paid operatives. These operatives gather and file information from a large number of formally recruited informers and informal volunteers in Australia, who report on their fellow students and working colleagues, before passing it on to higher authorities in the intelligence system back in China. It is estimated that one in 50 East Germans was an unpaid Stasi informant. With 40,000 to 50,000 visitors from China in Australia at any one time, one thousand informers in Australia is well within the range of plausibility.¹⁷

15 15 March 2002 UA 81/02 People's Republic Falun Gong practitioners in Chanchun City of China, accessed at <http://web.amnesty.org/library/print/ENGASA170112002> on 6.7.05.

16 *Committee Hansard*, 26 July 2005, p. 67.

17 Australian Policy Online, 21 June 2005, accessed at http://www.apo.org.au/webboard/print-version.shtml?filename_num=12165 on 15.7.05

Surveillance/Monitoring/Harassment in Australia

17. Mr Collaery told the committee about surveillance allegations:

We live in a democracy but, if you open up ringbinder after ringbinder of documents that Mr Hao has effectively brought, you drop into another world of a billion dollar program of surveilling all your citizens around the world. It is a different world. It should not be approached from our perspective, with respect. On the basis of the documents that we have seen to date, the Chinese government must be spending huge sums of money keeping their former or present citizens under surveillance – and, as we found, Australian and American and New Zealand citizens.¹⁸

18. A media statement by Falun Dafa reports that:

For six years Falun Dafa practitioners in Australia have been subject to a wide range of interference and harassment orchestrated by the Chinese Embassy and consulates in this country. These incidents include physical threats, harassing phone calls, damage to property, salacious misinformation about the practice of Falun Dafa, practitioners being on a travel black list, having their phones monitored, homes broken into and attempts to adversely influence local councils and events organisers to exclude us from community functions...we therefore have no doubt that statements by Mr Chen and Mr Hao about Chinese Communist Party infiltrators in Australian society are absolutely true.¹⁹

19. Mr Liang from the FDC, outlined two cases for the public record and provided others. The first, described Mr Lu Zhansuo who was discussing a possible job as a pastor. The priest he was talking with said that the Chinese consul-general had approached him several times demanding Mr Lu not be given a job.²⁰

20. The second case involved Mr Ian Turner, who attended an Australia day party organisation by a Melbourne Chinese organisation. He attended with his wife and Ms Xiaoqing Luo, a journalist for the Epoch Times. He claims that just before the event was to start, the secretary of the organisation told Ms Luo to leave as the Deputy Consul-General of the Melbourne Chinese Consulate would be very angry if she was there.²¹

21. Mr Liang also told the committee that the activities of the FDC have been monitored by the Chinese government. He said their meeting times, discussion details and plans for events have been made known to the Chinese government through their

18 *Submission* 26 July 2005, p.74.

19 9 June media statement regarding the defection of Mr Chen Yonglin and Mr Hao Fengjun from the Chinese government accessed at <http://www.falunau.org.printArticle.jsp?itemID+15762> on 6.7.05.

20 *Committee Hansard*, 25 July 2005, p. 4.

21 *Committee Hansard*, 25 July 2005, p. 4.

network of informants. He further stated that when their members return to China they are harassed and followed.²²

22. Mr Chin Jin, FDC told the committee that he had raised his concerns regarding the monitoring and harassment of Australian citizens with a government department. He told the committee that as an Australian citizen he did not need a visa for Hong Kong but last year he was stopped from entering Hong Kong when he was boarding in Frankfurt. He said he raised this with a government department but there was no action and no feedback.²³

23. Professor Fitzgerald has stated that:

..there is no doubt that this [the surveillance of Australian citizens] is taking place on a very wide scale.²⁴

24. He said that Mr Chen's case 'reveals...an element of surveillance of the Australian community that is quite alarming. I am speaking specifically of the Chinese Australia community'.²⁵

25. He added that in conversation with Australians who are of Chinese background he has sensed that they 'do not feel adequately protected by or recognised as equal citizens under Australian law when it comes to protection from surveillance by a foreign power, even though they are full and equal Australian citizens'.²⁶

26. Professor Fitzgerald further stated:

I have been teaching and working in Chinese studies in this country for 25 years. I have an intimate acquaintance with his kind of behaviour. This is an opportunity to speak up about it. There is no doubt that it is extremely widespread. I cannot go into greater detail simply for fear of placing at risk friends and acquaintances who are fellow Australians.²⁷

27. Professor Fitzgerald has written in Australia Policy Online:

...what should concern us is indicative evidence of relentless attempts by the Chinese regime to monitor and report on the behaviour of Australian citizens by invisible means. There is no formal mechanism for dealing with this kind of harassment of Australian citizens. Through DFAT, the Australian Government can and does lodge formal protests with the Chinese government concerning the exercise of 'improper influence' when such claims are fully substantiated. But formal diplomatic protests are

22 *Committee Hansard*, 25 July 2005, p. 4.

23 *Committee Hansard*, 25 July 2005, p. 11.

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

25 *Committee Hansard*, 27 June 2005, p. 79.

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

27 *Committee Hansard*, 27 July 2005, p. 81.

extremely rare because substantiating a claim of surveillance or harassment involves two conditions that cannot normally be met. First foreign officials on diplomatic passports can be called to account for improper influence only when they are caught red handed. As the informant system operates through intermediaries without diplomatic status, no official is likely to be caught in the act ...Second, Australians who are intimidated in this way are unlikely to test Chinese government threats to harm their families in China. Putting claims of this kind in writing to support an official complaint of improper influence would be to sign a warrant for the arrest and persecution of their friends and families in China.²⁸

28. Professor Fitzgerald stated further:

It is largely Chinese-Australians who are under surveillance whereas intimidation can apply to anyone. Why do I say 'largely Chinese-Australians'? It is not exclusively. When it comes to Falun Gong it is clear that any member is subject to surveillance, but it is particularly Chinese-Australian members of Falun Gong who are reported on, because they are the ones who can be threatened by reference to family or other connections in China.²⁹

29. Professor Fitzgerald summarised and suggested:

I would like to put a couple of proposals. One is where the Australian government is constrained in its actions because of its dealings with China that applies to human rights dialogues and things to do with China out there. When it comes to Chinese Australia, the government is not restrained in speaking proudly, openly and boldly about the contribution these communities make, how welcome they are and how their rights shall be fully protected under the law. This is not to do with diplomacy; it is not to do with trade. This is about sovereignty and citizenship and there is no restraint on what the government can say and do in that regard as far as I can understand. So it should be handled not by Foreign Affairs or by Immigration but by the Attorney General's department – I am not quite sure. It should be handled by those who speak on behalf of Australian law, justice, rights and citizenship. So speaking openly and publicly and on many occasions and making this commitment very clear would be useful. That too would make its way back through Foreign Affairs and other channels to other places where it would be registered that Australian governments and Australian people do not like their citizens being harassed.

What concerns me – I would almost like to say this off the record, but I cannot – is that the Chinese government will not hesitate to push this government around when it comes to protecting its Chinese-Australian citizens if it detects that Chinese-Australian citizens are not as valued as

28 Australian Policy Online, 21 June 2005, accessed at http://www.apo.org.au/webboard/print-version.shtml?filename_num=12165 on 15.7.05.

29 *Committee Hansard*, 27 June, 2005, p. 82.

others. The Chinese government is as inclined to think of Australia as a racist place as anyone else and if it thinks the Australian government will not defend its Chinese-Australian citizens to the hilt then things will get worse before they improve. We are at a critical moment here. This is an opportunity to do something.³⁰

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