

**Refugee Review Tribunal
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RRT RESEARCH RESPONSE

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Questions

1. [Deleted]
2. **Is there any indication that Chinese authorities are increasingly targeting Falun Gong practitioners in Shandong leading up to the Olympics?**
3. **Are Falun Gong leaders more likely to be targeted by the Chinese authorities than followers?**

RESPONSE

1. [Deleted]
2. **Is there any indication that Chinese authorities are increasingly targeting Falun Gong practitioners in Shandong leading up to the Olympics?**

The official website of the Beijing 2008 Olympic Games informs that Qingdao is a co-host of the games and that “sailing events for the Games of the XXIX Olympiad will be held within Qingdao International Sailing Center” (“Welcome to Qingdao!” (undated), Beijing 2008 Olympic Games website <http://en.beijing2008.cn/spectators/qingdao/> – Accessed 18 December 2007 – Attachment 1).

Although not specifically with regard to the city of Qingdao or to Shandong Province, a number of reports note a deterioration of human rights in China leading up to the Olympics and continued adverse treatment of practitioners of Falun Gong.

An Amnesty International report dated 21 September 2006 summarises a number of human rights concerns. The report observes that Beijing city authorities have specifically invoked the use of Re-education Through Labour (RTL) as a way to address public order issues at a

local level in the run-up to the Olympics and mentions a recent case in which a Falun Gong practitioner was “assigned” to RTL after police discovered Falun Gong literature at his home. According to the report:

“Re-education through Labour” (RTL) continues to be used extensively in China despite repeated calls from both inside and outside China for the system to be abolished. Amnesty International is concerned that the forthcoming Olympics Games may be acting as an incentive for the authorities to retain the system in the name of maintaining public order in Beijing.

Hundreds of thousands of people are believed to be held in RTL facilities across the country as a punishment for so-called minor offences which are not deemed serious enough to be punished under the Criminal Law. Periods of RTL, ranging from one to three years (extendable for a further year) are imposed by the police without charge, trial or judicial review. Chinese legal reformists have pointed out that these periods are much higher than minimum penalties under the formal Criminal Law and have raised serious concerns about the unchecked power of the police in imposing such punishments. Amnesty International is also concerned that those held in RTL facilities are at high risk of torture or ill-treatment, particularly if they refuse to acknowledge their ‘offending’ behaviour, recant their beliefs or resist ‘reform’.

In a recent case, Falun Gong practitioner, Bu Dongwei (also known as David Bu) was assigned to two-and-a-half years’ RTL on 19 June 2006 in Beijing for “resisting the implementation of national law and disturbing social order” after police discovered Falun Gong literature at his home. The authorities have reportedly refused to disclose his place of detention to his family. Bu Dongwei had been working in Beijing for the U.S. aid organization, the Asia Foundation, before he was taken away by police from his home in Haidian district on 19 May 2006. Amnesty International considers him to be a prisoner of conscience and calls for his immediate and unconditional release.

Attempts by the authorities to replace RTL with new legislation known as the “Illegal Behaviour Correction Law” (IBCL) have stalled. The law is reported to remain in draft stage within the legislative committee of the National People’s Congress, although no draft has been made publicly available...

There has been no evidence of any further moves towards reforming or abolishing RTL over recent months. The rise of the Falun Gong spiritual movement in China and the mass detentions of Falun Gong practitioners which ensued after it was banned in 1999 has often been cited as a key reason why earlier attempts to review the system stalled. Recent developments also indicate that the perceived need to improve Beijing’s environment in time for the Olympics may also be hampering efforts towards reform.

On 8 May 2006, the Beijing city authorities decided that RTL would be used as a way to control various types of “offending behaviour” to clean up the city’s image in the run-up to the Olympics. This would include serious cases of ‘unlawful advertising or leafleting, unlicensed taxis, unlicensed businesses, vagrancy and begging’. What is considered to be ‘serious’ appears to be defined as those who have engaged in such acts more than twice. Chinese commentators have argued that this is the first time since mid-2003 that officials have specifically invoked the use of ‘controversial measures’ like RTL at the local level in order to address public order issues in the cities (Amnesty International 2006, *People’s Republic of China: The Olympics countdown – failing to keep human rights promises*, 21 September, ASA170462006 – Attachment 2).

An Amnesty International update of 7 August 2007 expresses concern about the continued use of detention without trial as part of a “clean-up” prior to the Olympics, observing that:

With just one year to go before the Olympics take place in Beijing, many in China and abroad are beginning to look ahead to assess the likely legacy of the Games for human rights in China...

While positive steps have been made in some limited areas, namely reform of the death penalty system and greater reporting freedom for foreign journalists in China, Amnesty International remains concerned that these are overshadowed by other negative developments – in particular the growing crackdown on Chinese human rights activists and journalists as well as the continued use of ‘Re-education through Labour’ (RTL) and other forms of detention without trial. Official statements suggest that the Olympics are being used to justify such repression in the name of ‘harmony’ or ‘social stability’ rather than acting as a catalyst for reform. Global experience shows that the best way to ensure social stability is to ensure the protection of fundamental human rights based on the rule of law.

Many in China and around the world have high expectations for human rights progress in relation to the Olympic Games. However, the image of the Olympics continues to be being tarnished by ongoing reports of the ‘house arrest’, torture or unfair trial of Chinese activists and the extension of systems for detention without trial in Beijing as part of the city’s ‘clean-up’ ahead of August 2008 (Amnesty International 2007, *The Olympics Countdown – one year left to fulfil human rights promises*, 27 August, ASA170242007 – Attachment 3).

Falun Gong websites also refer to the ongoing use of Re-education Through Labour against Falun Gong practitioners.

An article dated 8 November 2007 on the Clear Wisdom website refers to Re-education Through Labour as “the main weapon for the CCP to persecute Falun Gong” and observes that the proposed Illegal Behaviour Correction Law is “essentially the same” as the existing RTL provisions. According to the article:

The “1st Article of Re-education Through Labor” applies to those involved in violations of laws pertaining to “minor crime, counter-revolutionary activities, and crimes against the CCP or socialism that are deemed insufficient for criminal punishment.” The purpose of this law is political persecution and it has currently become the main weapon for the CCP to persecute Falun Gong, family churches, lawyers, political dissidents and others who protect human rights.

The draft of the proposed “Illegal Behavior Correction Law” and the existing “Re-education through Forced Labor System” practices are essentially the same. According to people who participated in the revision, it is no more than a name change. The police department still controls “re-education through labor,” however, if the detainee does not agree with that decision, they may protest, and appeal to the court. Few people attempt the appeal process, as everyone knows the process is meaningless.

Another so called “change” is that the detention period is to be from six months to no more than 18 months. However, the period of re-education through labor can actually be up to four years. Because the police department retains sole decision making power, people released after one year of “correction” can be taken back immediately and again “corrected.” We know that many cases of consecutive “reeducation through forced labor” sentences occur. In such instances the change in detention time is of no significance to the police (Gu, S. 2007, ‘A Commentary on the Continued Existence of the “Re-education through Forced Labor”

System', Clear Wisdom website, 8 November
<http://www.clearwisdom.net/emh/articles/2007/11/8/91182.html> – Accessed 19 December 2007 – Attachment 4).

An article dated 21 September 2007 on the Clear Harmony website claims that “an order to start a new, nationwide round of brutal persecution of Falun Gong” was issued by the Minister of Public Security in March 2007 and that “massive arrests of many practitioners” ensued. The article states that:

As the 2008 Olympics draw near, the CCP [Chinese Communist Party] is carrying out another round of special persecution, using the Olympics as a convenient excuse. As early as 2005, the CCP's Deputy Minister of the Public Security Liu Jing received an order to eliminate Falun Gong before the opening of the 2008 Beijing Olympics. He issued an order to all the police departments nationwide to intensify the persecution of Falun Gong. In March 2007, Minister of Public Security Zhou Yongkang issued an order to start a new, nationwide round of brutal persecution of Falun Gong. Since then, there have been massive arrests of many practitioners in many areas in China. Incidents of Falun Gong practitioners being disabled or dying as a result of the persecution continue to occur in China.

Thirteen Falun Gong Practitioners' Deaths from the Persecution in China Confirmed in 2007

As of July 2007, it has been confirmed that thirteen Falun Gong practitioners have died as a result of the persecution in China this year. Nine of these practitioners died between January and the end of June and four practitioners died in July 2007 ('3074 Deaths Confirmed During the Past Eight Years of Persecution' 2007, Clear Harmony website, 21 September
<http://clearharmony.net/articles/200709/41309.html> – Accessed 19 December 2007 – Attachment 5).

An article dated 7 June 2007 on the Faluninfo website reports that further deaths of Falun Gong adherents “lend disturbing credence to reports that China's regime is amidst yet another drive to ‘eradicate’ the Falun Gong, this time in advance of the 2008 Olympics”. The reported deaths include that of a practitioner in her home in Shandong province. According to the article:

The Information Center has learned of the deaths of 10 additional Falun Gong adherents at the hands of Chinese Communist authorities, based on reports from sources in China working with Minghui.org. All except two died from physical abuse in police custody, perpetrated after the individual's refusal to renounce his or her religious beliefs. Three of the ten were women age 67 or older.

The deaths, scattered throughout China, lend disturbing credence to reports that China's regime is amidst yet another drive to “eradicate” the Falun Gong, this time in advance of the 2008 Olympics. The Information Center and other rights groups have now documented some 3,024 deaths at the hands of the regime; untold thousands continue to languish in China's gulag system and jails as prisoners of conscience, and are at imminent risk.

...Ms. Liu Guizhen, of Zibo city, Shandong province, died on May 3, 2007, following physical abuse and attempted brainwashing while unlawfully held at the brainwashing center of Zibo's 6-10 Office. She had been arrested less than two months before, on March 13, when officers of the National Security Bureau, Mengshui Police Station, and the Zhoucun district 6-10 Office forced entry into Liu's Xiahou village home ('Deaths of Ten Falun Gong Adherents Come to Light', 2007, Falun Dafa Information Centre website, 12 June
http://www.faluninfo.net/reports/FDI_Press/FDI-070612-DE.doc – Accessed 19 December 2007 – Attachment 6).

3. Are Falun Gong leaders more likely to be targeted by the Chinese authorities than followers?

The 'Beijing Olympics Basics' page on the Human Rights Watch website notes that "research has documented a continued deterioration of human rights conditions in China over the past year". With regard to Falun Gong, Human Rights Watch makes the observation that "[l]eaders and those caught publishing and distributing Falungong literature face severe repression":

The Chinese government only allows "normal" religious activities, which it defines as state-sanctioned religions and churches. It does not recognize freedom of religion outside the state-controlled system, which registers and oversees all congregations, mosques, temples, churches, and monasteries. Unregistered religious groups are by definition illegal. The government also curtails freedom of belief by labeling certain groups cults, such as Falungong. Leaders and those caught publishing and distributing Falungong literature face severe repression ('Beijing Olympics Basics' (undated), Human Rights Watch website http://china.hrw.org/press/faq/beijing_olympics_basics – Accessed 18 December 2007 – Attachment 7).

A search of the sources consulted has not found this distinction between the treatment of leaders of Falun Gong and the treatment of followers – variously referred to as members, adherents or practitioners – to have been made elsewhere.

The US Department of State's report on religious freedom for 2007 observes that in China "Falun Gong practitioners continued to face arrest, detention, and imprisonment". The report notes that membership of the Falun Gong is considered illegal and that "the group engaged in almost no public activity". The report indicates that refusing to recant ones beliefs as a Falun Gong adherent is sufficient cause for adverse treatment by the authorities. The report states that:

Falun Gong practitioners continued to face arrest, detention, and imprisonment, and there were credible reports of deaths due to torture and abuse. Practitioners who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons, reeducation through labor camps, and extra-judicial "legal education" centers. Some practitioners who recanted their beliefs returned from detention. Reports of abuse were difficult to confirm within the country and the group engaged in almost no public activity. There were continuing reports that the Government's "610 office," a state security agency implicated in many alleged abuses of Falun Gong practitioners, continued to use extra-legal methods of repression.

...There are estimated to have been at least 2.1 million adherents of Falun Gong before the Government's harsh crackdown on the group beginning in 1999. There are reliable estimates that hundreds of thousands of citizens still practice Falun Gong privately.

...The Government continued to repress harshly religious groups which it designates cults, including the Falun Gong. As in past years, local authorities took steps to repress unregistered religious groups that grew quickly or publicly rejected the Government's authority... Membership in the Falun Gong, the Xiang Gong, Guo Gong, and Zhong Gong qigong groups was still considered illegal.

...There were credible reports of torture and deaths in custody of Falun Gong practitioners in past years, and overseas Falun Gong groups claimed that such incidents continued. According

to Falun Gong practitioners in the United States, since 1999 more than 100,000 practitioners have been detained for engaging in Falun Gong practices, admitting that they adhere to the teachings of Falun Gong, or refusing to criticize the organization or its founder. The organization reported that its members have been subject to excessive force, abuse, rape, detention, and torture, and that some of its members, including children, have died in custody.

Some foreign observers estimated that at least half of the 250,000 officially recorded inmates in the country's reeducation-through-labor camps are Falun Gong adherents. Falun Gong sources overseas placed the number even higher. Hundreds of Falun Gong adherents were also incarcerated in legal education centers, a form of administrative detention, upon completion of their reeducation-through-labor sentences. Government officials denied the existence of such "legal education" centers. According to the Falun Gong, hundreds of its practitioners have been confined to psychiatric institutions and forced to take medications or undergo electric shock treatment against their will. In March 2006 U.N. Special Rapporteur on Torture Manfred Nowak reported that Falun Gong practitioners accounted for 66 percent of victims of alleged torture while in government custody (US Department of State 2007, *International Religious Freedom Report 2007 – China*, September – Attachment 8).

Amnesty International's report for 2007 states that:

Members of the Falun Gong spiritual movement were detained and assigned to administrative detention for their beliefs, and continued to be at high risk of torture or ill-treatment (Amnesty International 2007, *Amnesty International Report 2007 – China*, May – Attachment 9).

An article in the 2007 issue of the journal *Compassion* (published by the New-York based Falun Dafa Information centre) reports on the task force known as the 6-10 Office, which it describes as "the extra-legal police task force responsible for carrying out the mission of eliminating Falun Gong". According to the article, as well as there being "mechanisms to pressure lower officials and ordinary citizens to cooperate" with the campaign against Falun Gong, 6-10 officers are themselves subject to systems of punishment and reward with regard to numbers of arrests of Falun Gong practitioners. The article reports that:

it is through a still-pervasive Party structure that the 6-10 Office is able to penetrate down to the most basic units of Chinese society. An internal memo dated April 21, 2001 was addressed to all "working committees, village and town committees, and neighborhood committee offices," in west Beijing's Mentougou district. It relays orders to increase local surveillance of Falun Gong and for "every work unit" to integrate "inspecting and controlling... with the current re-education work."

The circular further instructs township and neighborhood committees to "closely cooperate with the work launched by the public security organs," as they search door-to-door for Falun Gong adherents.

Neither the close surveillance nor the Party's belief in its imperativeness appears to have faded with time, either. A different memo dated April 2006 gives the same instructions, almost verbatim, to Party committees at the township and county levels.

Quotas and cash

While some local officials have enthusiastically followed such instructions, others are hesitant to act against their neighbors. Indeed, when Falun Gong was first banned, there were reports of public indifference or even silent opposition to the campaign. Under such circumstances, the 6-10 Office developed various incentive mechanisms to pressure lower officials and ordinary citizens to cooperate.

In 2000, *The Wall Street Journal's* Ian Johnson, who won a Pulitzer for his coverage of Falun Gong, described a “responsibility system” that the 6-10 Office instituted. Under this arrangement, local officials were fined potentially ruinous sums for every practitioner from their jurisdiction who reached Beijing in order to petition the central government.

Such evaluation became more formalized over time. A 2002 chart from Guangzhou shows a complex system for awarding and deducting points based on collaboration with the 6-10 Office. The table is to be completed by each township and neighborhood in the Tianhe district as part of its year-end assessment. Among the items listed are: “Deduct 8 points for every practitioner who has not been transformed”; for failing to “establish a personal dossier for every Falun Gong practitioner... deduct 3 points per person”; and “for every time a group of more than three people gathered to exercise together in public, deduct 5 points.”

Another common 6-10 technique is imposing quotas on each level below. A typical quota includes the number of practitioners that need to be arrested over a certain period of time.

Officers who fail to meet their annual quota face demotion or may even lose their jobs. Hao Fengjun, the former Tianjin 6-10 officer, says he had a change of heart after he witnessed how a woman named Sun Ti, who practices Falun Gong, was tortured as part of the “transformation process.” As his disillusionment with the 6-10 Office’s work increased, so did the severity of the measures used to keep him in line.

Hao tells of one episode in February 2004 when he was placed in solitary confinement, made specifically for policemen, for 30 days after calling the state’s anti-Falun Gong propaganda “lies.”

The former policeman says that during his detention he was not allowed to call his family. The cold temperature in the cell made his hands “swollen like steamed buns” and his ears emit pus. After being released, he was moved to the mailroom until he fled to Australia in 2005 with a bundle of smuggled 6-10 documents.

Though he says many of his colleagues disapprove of their work, plenty others were quick to tap into the 6-10 Office’s system of rewards. “There were people who worked very hard because the more Falun Gong practitioners they arrested, the more bonuses they would get,” says Hao (Cook, S. 2007, ‘China’s Secret 6-10 Office’ in *Compassion*, iss. 6 http://hrreports.faluninfo.net/Compassion6/Compassion_Edition6.pdf – Accessed 19 December 2007 – Attachment 10).

Sources consulted

Internet Sources:

Government Information & Reports

US Department of State website <http://www.state.gov>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org>

Human Rights Watch website <http://www.hrw.org>

Topic Specific Links

Clear Harmony website <http://clearharmony.net>

Clear Wisdom website <http://www.clearwisdom.net>

Epoch Times website <http://en.epochtimes.com/news/7-9-27/60173.html>

Falun Gong Human Rights Working Group website <http://www.falunhr.org>

Falun Dafa Information Center website <http://www.faluninfo.net>

Search Engines

Copernic search engine

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)
ISYS (MRT-RRT Research database)

List of Attachments

1. 'Welcome to Qingdao!' (undated), Beijing 2008 Olympic Games website
<http://en.beijing2008.cn/spectators/qingdao/> – Accessed 18 December 2007.
2. Amnesty International 2006, *People's Republic of China: The Olympics countdown – failing to keep human rights promises*, 21 September, ASA170462006. (CISNET China CX162034)
3. Amnesty International 2007, *The Olympics Countdown – one year left to fulfil human rights promises*, 27 August, ASA170242007. (CISNET China CX183884)
4. Gu, S. 2007, 'A Commentary on the Continued Existence of the "Re-education through Forced Labor" System', Clear Wisdom website, 8 November
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