Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number:	CHN31495
Country:	China
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Keywords: China – Phone intercepts – Return of criminals – 'Double jeopardy'

Questions

1. Is there any evidence that overseas calls to China are recorded? If so, what is the "trigger" for interest, given there must be millions of telephone calls each hour back to China? Are there any known examples of nationals returning and being questioned about private calls made back to China?

2. After a Chinese citizen has been convicted of an offence in Australia, is the Chinese government notified as a matter of course? What is the usual procedure followed by the Consulate here in Sydney?

3. What is the Chinese attitude to convicted felons (conspire to kidnap in this case) being returned to China?

4. Is there an "autrefois convict" rule or 'double jeopardy" rule so that applicant cannot be punished again for same crime in China? is it likely that he would be interrogated about his criminal record on his return?

RESPONSE

1. Is there any evidence that overseas calls to China are recorded? If so, what is the "trigger" for interest, given there must be millions of telephone calls each hour back to China? Are there any known examples of nationals returning and being questioned about private calls made back to China?

No definitive or detailed information was found on these questions. There are a couple of brief claims that international telephone are monitored, but these give no information about the extent or mechanism of the monitoring. No examples were found in the sources

consulted of nationals returning and being questioned about private calls made back to China. Approaches to DFAT and Human Rights Watch have not yielded any further information.

A report by Human Rights Watch (Human Rights Watch 2004, *Demolished: Forced evictions and the Tenants' Rights Movement in China*, March, Vol. 16, No. 4(C) – Attachment 1) claims that the government monitors international telephone calls:

> Frustrated residents have taken to contacting international media and human rights groups, and to posting their personal stories on Internet bulletin boards—all risky choices, given the **government's monitoring of the Internet and international telephone calls**, and the everpresent danger of charges of "state subversion." (p.4)

The US Department of State *Country Reports on Human Rights Practices 2006 – China* also claims:

> During the year **authorities monitored telephone conversations**, facsimile transmissions, e-mail, text messaging, and Internet communications. Authorities also opened and censored domestic and international mail. The security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. All major hotels had a sizable internal security presence, and hotel guestrooms were sometimes bugged and searched for sensitive or proprietary materials.
>
> Some citizens were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned dissidents and activists, underground religious figures, former political prisoners, and others whom the government considered to be troublemakers not to meet with foreigners. (s.1f)
> (US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China*, March – Attachment 2).

The report notes several arrests for expressing dissent on the Internet, but no arrests for telephone conversations.

China has invested in a system called "Golden Shield", which is designed to monitor Chinese civilians. Though most commentators have noted its use in controlling internet use, part of the project is said to be aimed at telephone surveillance. Although several reports mention the potential for telephone surveillance, none has any information on the extent of actual monitoring at the current time.

A 2006 report by the Laogai Research Foundation gives information on "Golden Shield". It includes this information on telephone surveillance:

> Through several telephone inquiries to local managers of Cisco Systems in China, it was confirmed that nearly all of China has been employing Cisco's surveillance technology in provincial, district and county police agencies.
>
> Anyone departing from the Party line is considered a threat to "social stability." **Cisco Systems' technology guarantees speech recognition, automated surveillance of telephone conversations**, integration of biometric data, wireless Internet access to track individual users, video surveillance data from remote cameras back to a centralized surveillance point, etc. Indeed, the prospect of China's Golden Shield is unsettling for those for have worked so hard for a democratic China.
> (Laogai Research Foundation 2006, 'Internet firms grilled in Congress for China

activity', 17 February http://www.laogai.org/news/newsdetail.php?id=2498 – Accessed 5 April 2007 – Attachment 3).

A 2001 report on "Golden Shield" indicated that the Chinese were conducting joint research with a Canadian company on specific forms of speech recognition technology, for the purpose of automated surveillance of telephone conversations (Walton, Greg 2001, *China's Golden Shield: Corporations and the Development of Surveillance Technology in the People's Republic of China*, International Centre for Human Rights and Democratic Development, http://www.ichrdd.ca/english/commdoc/publications/globalization/goldenShieldEng.html & www.dd-rd.ca/site/_PDF/publications/globalization/CGS_ENG.PDF – Accessed 5 April 2007 – Attachment 4). Walton states:

> In order to make the Golden Shield a reality, the Chinese government is dependent upon the technological expertise and investment of Western companies. Canada's Nortel Networks is playing a key role in these developments as witnessed by:
>
> > > its joint research with Tingha University on **specific forms of speech recognition technology, for the purpose of automated surveillance of telephone conversations**;
> > > its strong and early support for FBI plans to develop a common standard to **intercept telephone communications**, known as CALEA, in conjunction with technology transfer through its joint venture, Guangdong Nortel (GDNT) (p.6)
>
> The technologies necessary to support an intelligent mass surveillance network are frighteningly complex. However, since the solutions are modeled on human forms of intelligence we can categorize them in terms familiar to everyone: Beijing's Golden Shield surveillance network is intended to be able to "see," to "hear," and to "think."
>
> The technology behind the network's ability to "hear" – **to automatically monitor telephone conversations, searching for key words and phrases, for example – centers on speech signal processing.** Similarly, video signal processing lies behind a surveillance camera's ability to "see," that is, to recognize individual faces in a crowd of people. Both "senses," forms of digital signal processing (DSP), are termed "algorithmic surveillance" systems, which is data analysis via complex algorithms modeled on the human nervous system. In speech signal processing, for example, the cochlea might be the basis for mathematical abstraction.
>
> In China the leader in each of these fields is the Department of Electronic Engineering at the prestigious Tsinghua University. A research group there has been working on speech recognition since the early 1980s. This research is financially supported by both the Chinese government and Nortel Networks (from 1995 to 1998).30 It parallels Nortel's own speech recognition research in association with the FBI. (p.15).
>
> By the end of 1998, Tsinghua's engineers announced that they were developing a "large vocabulary speaker independent continuous commands recognition system over telephone channel. This real-time system is used for telephone exchange machine and information service system over telephone connections with the recognition rate over 98%." Future research, they added, will focus on "large vocabulary (if not unlimited) speaker-independent continuous speech recognition, and large vocabulary telephone-based speech recognition... to develop a fast speaker adaptive technology, which can efficiently improve the accuracy of the speaker independent recognition." Such a system parallels the development of the technology

> required to implement CALEA in the US; in other words **it would appear to have no other purpose apart from automated surveillance of telephone communications**. (p.16).

The China section of the Electronic Privacy Information Centre and Privacy International report *Privacy & Human Rights 2005* briefly mentions the potential use "Golden Shield" in relation to telephone monitoring, but relates the project mainly to control of the internet:

> At a recent security industry conference, the PRC government announced an ambitious successor to its Great Firewall strategy. Rather than relying solely on a national intranet, separated from the global Internet by a massive firewall, China will now build surveillance intelligence into the network, allowing it to "see," "hear" and "think." Content-filtration will shift from the national level to millions of digital information and communications devices in public places and people's homes. This project is dubbed the "Golden Shield."
>
> The technology behind Golden Shield is complex and is based on research developed largely by Western technology firms, including Nortel Networks, Sun Microsystems and others. The Golden Shield efforts do not signal an abandonment of other avenues of access and content control. For example, details are only beginning to emerge about a new "black box" device, derived from technology previously used in airline cockpit data recorders, and broadly similar to the Carnivore system developed by the US government. Once attached to a server at the ISP, Carnivore works by intercepting all incoming transmissions and then parsing out pertinent material, based on keywords provided by the administrator. Chinese Internet police would use the black box technology to monitor dissidents and collect evidence on illegal activities. **Human rights advocates express concern that the Golden Shield project combines Internet filtering with others forms of surveillance technology, such as** cameras with face-recognition software, fingerprint databases, and **speech-recognition software to monitor telephone conversations**, and may be used to create a computerized national network of citizens in the future. (p.260)
> (EPIC (Electronic Privacy Information Center) and Privacy International 2006, *Privacy & Human Rights 2005*, 'Country Report: China', 2 November http://www.privacyinternational.org/survey/phr2005/PHR2005china-georgia.pdf – Accessed 5 April 2007 – Attachment 5).

Colin Espiner, a journalist for New Zealand newspaper *The Press*, stated that "[the Chinese government] has an estimated 50,000 cyber police who monitor all broadcasts and telephone calls." (Espiner, Colin 2005, 'China censors Clark on human rights', Stuff.co.nz, 1 June – http://www.stuff.co.nz/stuff/0,2106,3298664a10,00.html, Accessed on 1 Jun 2005 Attachment 6). All other sources however see the "cyber police" as chiefly concerned with monitoring the Internet and email traffic, and no other sources repeated Espiner's claims about monitoring all telephone calls. Reporters Without Borders state:

> the authorities publicize their crackdowns on cyber-dissidents and their online surveillance ability. **The Chinese technological arsenal is extremely effective and the cyber-police is enormous. Nonetheless, complete control of electronic communication is impossible**. The most effective way to gag free expression is still to promote self-censorship by making Internet users believe in the regime's omniscience. Sixty-one people imprisoned for expressing their views on the Internet is not a lot compared with the total number of political prisoners and prisoners of conscience. But, when well-publicised, they suffice to foster fear and silence.
> (Reporters Without Borders 2004, 'Internet Under Surveillance – China', http://www.rsf.org/article.php3?id_article=10749 – Accessed 5 April 2007 –

Attachment 7).

This question was sent to DFAT on 15 March 2007 (RRT Country Research 2007, Email to DFAT 'RRT Country Information Request – CHN31495', 15 March – Attachment 8). DFAT replied on 5 April 2007, but had no further information on this question. (DFAT 2007, *DFAT Report 622 – RRT Information Request: CHN31495*, 3 April – Attachment 9).

This question was sent to Human Rights Watch on 14 March 2007 and to Human Rights Watch's chief China researcher on 30 March (RRT Country Research 2007, Email to Human Rights Watch 'Information Request from RRT (Ref: CHN31495)', 14 March – Attachment 16; RRT Country Research 2007, Email to Mickey Spiegel of Human Rights Watch 'Information Request from RRT (Ref: CHN31495)', 30 March – Attachment 17) . No reply has been received to either email.

2. After a Chinese citizen has been convicted of an offence in Australia, is the Chinese government notified as a matter of course? What is the usual procedure followed by the Consulate here in Sydney?

The NSW Police Department was contacted but the head office could not provide a spokesperson to comment on this question – their legal branch was unavailable for comment.

This question was sent to DFAT on 15 March 2007 (RRT Country Research 2007, Email to DFAT 'RRT Country Information Request – CHN31495', 15 March – Attachment 8). DFAT replied on 5 April 2007 (DFAT 2007, *DFAT Report 622 – RRT Information Request: CHN31495*, 3 April – Attachment 9). They stated:

> **C. After a Chinese citizen has been convicted of an offence in Australia, is the Chinese government notified as a matter of course? What is the usual procedure followed by the Consulate here in Sydney in response to such notifications?**
>
> All Commonwealth, state and territory agencies have a responsibility to ensure that Australia meets its obligations under the Vienna Convention on Consular Relations (VCCR), implemented in Australian law by the Consular Privileges and Immunities Act 1972. Under the VCCR, Australia has an obligation to ensure that foreign consular officials (including diplomats based in Canberra and state and territory-based consular officials) can carry out their functions effectively, including in the delivery of consular services to their nationals detained by Australian authorities. In all cases, it is the Australian detaining authority that must fulfil these obligations. If a foreign national is detained:
>
> - in all cases the Australian detaining authority must, without delay, inform the detained person of his or her rights to have a local consulate informed of his or her detention and to have access to consular assistance;
> - when requested by the foreign national (i.e consent from the detained foreign national must be obtained), the Australian detaining authority must, without delay, inform the local consulate of the foreign national's situation;
> - where a foreign national does not request that the local consulate be informed of his or her situation, there is no obligation to so do. Normal privacy constraints may also apply.
>
> Australia has additional obligations and requirements for notification and access in

relation to the detention of Chinese nationals as a result of the *Agreement on Consular Relations between Australia and the People's Republic of China*. Unless the detained national requests otherwise, Australian authorities are required to allow Chinese consular officials to:

- freely communicate with and have access to their nationals;
- ascertain the living and working conditions of their nationals;
- provide the necessary assistance to their nationals; and
- take into temporary custody money or valuables of their nationals in accordance with Australian laws and regulations.

The Agreement requires the period of notification (unless the Chinese national requests otherwise) to be within three calendar days of any arrest, committals to prison, custody pending trial or any other form of detention.
The Agreement also requires that 'in the case of a trial or other legal proceeding against a national of the sending State in the receiving State, the appropriate authorities shall make available to the consular post information on the charges against that national. A consular officer shall be permitted to attend the trial or other legal proceedings'.

We are not aware of what actions the Chinese consulate takes in response to notification or what their normal consular service to detained nationals includes.

A search of the Austlii law database and other sources revealed regulations whereby non-resident foreign citizens who are arrested or jailed must be offered the opportunity for communication with and a visit by a consular officer, but these regulations do not require that a consular officer be notified unless requested by the non-resident foreign citizen.

The NSW *Law Enforcement (Powers And Responsibilities) Act 2002* (Attachment 10) has a Section 124 'Right of foreign national to communicate with consular official'. This states:

1) This section applies to a detained person who is not an Australian citizen or a permanent Australian resident.
(2) Before any investigative procedure in which a person to whom this section applies is to participate starts, the custody manager for the person must inform the person orally and in writing that he or she may:
(a) communicate, or attempt to communicate, with a consular official of the country of which the person is a citizen, and
(b) ask the consular official to attend at the place where the person is being detained to enable the person to consult with the consular official.
(3) If the person wishes to communicate with such a consular official, the custody manager must, as soon as practicable:
(a) give the person reasonable facilities to enable the person to do so, and
(b) allow the person to do so in circumstances in which, so far as is practicable, the communication will not be overheard.
(4) The custody manager must defer for a reasonable period any investigative procedure in which the person is to participate:
(a) to allow the person to make, or attempt to make, the communication referred to in subsection (2), and
(b) if the person has asked any consular official so communicated with to attend at the place where the person is being detained:
(i) to allow the consular official to arrive at that place, and
(ii) to allow the person to consult with the consular official.
(5) If the person has asked a consular official communicated with to attend at the

> place where the person is being detained, the custody manager must allow the person to consult with the consular official in private and must provide reasonable facilities for that consultation.
> (6) An investigative procedure is not required to be deferred under subsection (4) (b) (i) for more than 2 hours to allow a consular official that the person has communicated with to arrive at the place where the person is being detained.
> (7) An investigative procedure is not required to be deferred to allow the person to consult with a consular official who does not arrive at the place where the person is being detained within 2 hours after the person communicated with the consular official.
> (8) After being informed orally and in writing of his or her rights under this section, the person is to be requested to sign an acknowledgment that he or she has been so informed.
> (9) This section does not apply if the custody manager did not know, and could not reasonably be expected to have known, that the person is not an Australian citizen or a permanent Australian resident.

Similarly the NSW *Crimes (Administration Of Sentences) Regulation 2001* (Attachment 11) contains Regulation 82 'Visits to foreign nationals'. This states:

> (cf clause 93 of Correctional Centre Routine Regulation 1995)
> In addition to any other visit authorised by this Regulation, an inmate who is a national of a foreign country may be visited by:
> (a) a diplomatic or consular representative in Australia or New South Wales of the foreign country, or
> (b) a diplomatic or consular representative in Australia or New South Wales of another foreign country that assumes responsibility for the inmate's interests, or
> (c) if the inmate is a refugee or stateless person, a representative of a national or international organisation (such as Amnesty International) that is recognised by the Commonwealth Government as having as an object the protection of the interests of such an inmate.

3. What is the Chinese attitude to convicted felons (conspire to kidnap in this case) being returned to China?

No information was found on this question in the sources consulted.

This question was sent to DFAT on 15 March 2007 (RRT Country Research 2007, Email to DFAT 'RRT Country Information Request – CHN31495', 15 March – Attachment 8). DFAT replied on 5 April 2007, but had no further information on this question. (DFAT 2007, *DFAT Report 622 – RRT Information Request: CHN31495*, 3 April – Attachment 9).

4. Is there an "autrefois convict" rule or 'double jeopardy" rule so that applicant cannot be punished again for same crime in China? Is it likely that he would be interrogated about his criminal record on his return?

The UK Home Office has written an *Operational Guidance Note* which looks at double jeopardy in China (UK Home Office 2006, *Operational Guidance Note: China*, UK Home Office website, 21 November http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogns/chinaogn?view=Binary – Attachment 12). This states:

> 3.11 Double Jeopardy

3.11.1 Some claimants will apply for asylum or make a human rights claim based on ill treatment amounting to persecution at the hands of Chinese authorities due to their fear that they will face a re-trail based on Chinese law for a crime they have committed abroad and have already been punished for.

3.11.2 ***Treatment.*** Articles 8 to 12 of the Criminal Law covers the circumstances in which an individual who commits crimes outside the Peoples Republic of China (PRC) can be retried upon return to China.45

3.11.3 Article 10 states: Any person who commits a crime outside the territory and territorial waters and space of the PRC, for which according to the law he should bear criminal responsibility, may still be investigated for criminal responsibility according to this Law, even if she or he has already been tried in a foreign country. However if he has already received criminal punishment in the foreign country he may be exempted from punishment or given mitigated punishment.46

3.11.4 The circumstances under which an individual would be punished in China for a crime committed in a foreign country for which he had already been punished in that country, are unstipulated. The Chinese authorities are most likely to take this action if the crime had received a lot of publicity in China, if the victims were well-connected in China, if there were a political angle to the original crime or if the crimes were of a particular type that the authorities wanted to make an example of. As of July 2005 the British Embassy in Beijing is unaware of any such instances. The specific inclusion in the Criminal Law of `exemptions' from second punishment in China for crimes committed abroad suggests that the authorities would not take further action against those convicted abroad for ordinary criminal offences.47

3.11.5 ***Sufficiency of protection.*** As this category of claimants' fear is of ill treatment/persecution by the state authorities they cannot apply to these authorities for protection.

3.11.6 ***Internal relocation.*** As this category of claimants fear is of ill treatment/persecution by the state authorities' relocation to a different area of the country to escape this threat is not feasible.

3.11.7 Caselaw.

[2006] UKAIT 00007 SC (Double jeopardy – *WC* considered) China CG heard 10 August 2005, Promulgated 23 January 2006 The AIT found that for a Chinese citizen convicted of a crime in the United Kingdom on return to China there is not a real risk of a breach of protected human rights whether by way of judicial or extra-judicial punishment, even if the crime has a Chinese element. WC (no risk of double punishment) China [2004] UKIAT00253 applied and considered.

[2004] UKIAT 000253 (WC) Heard 24 February 2004. Promulgated 15 September 2004. The appellant in this instance was sentenced in the UK to three terms of six years imprisonment to run concurrently for kidnapping, false imprisonment and blackmail. The appellant had used the services of Snakeheads to exit China and his offences in the UK were committed, so he claims, out of desperation to repay them. The IAT found that whilst Chinese law does allow for the possibility of double punishment its application is not mandated. Similarly following close examination of the evidence before them the Tribunal found that it does not support the claim that the Chinese authorities do enforce re-prosecutions and double punishment in the context of offences wholly committed abroad. The Tribunal further

> found that since the revised law on double punishment was revised in 1997 there is a 'striking' lack of any example of it having been enforced. Whilst accepting that the appellant in this case would be apprehended by the Chinese authorities upon his return and would face conviction and punishment for illegal exit this would not result in treatment contrary to Article 3.
>
> **3.11.8 *Conclusion.*** The Chinese legal system allows for double jeopardy in which Chinese citizens can be punished/imprisoned on return to China for crimes they have committed and been punished for in other countries. However, the IAT found in **[2004] UKIAT 000253 (WC)** that since the law on double jeopardy was revised in 1997 there is a 'striking' lack of any example of it having been enforced. This was further supported by the AIT in **[2006] UKAIT 00007 SC.** Therefore claimants from this category of claim are unlikely to qualify for Humanitarian Protection.

The two cases referred to in the *Operational Guidance Note* are attached (United Kingdom Immigration Tribunal 2004, *WC (no risk of double punishment) China [2004] UKIAT 00253*, 15 September http://www.bailii.org/uk/cases/UKIAT/2004/00253.html – Accessed 16 March 2007 – Attachment 13; United Kingdom Asylum and Immigration Tribunal 2006, *SC (Double jeopardy – WC considered) China CG [2006] UKAIT 00007*, 23 January http://www.bailii.org/uk/cases/UKIAT/2006/00007.html – Accessed 16 March 2007 – Attachment 14).

The two cases contain the opinions of a number of China experts and their cross examinations by the United Kingdom Asylum and Immigration Tribunal.

In the first case a number of academics and experts (Professor Fu Hua Ling, an Associate Professor of Law at the University of Hong Kong, Professor Michael Palmer, Professor of Law at the School of Oriental and African Studies (SOAS), London and Nicholas Becquelin, an expert on prison conditions in China) gave their opinions that the double punishment provision exists not just formally but is applied in practice to returnees who have committed serious offences abroad. However since they were unable to produce any examples of such cases, their opinions were not considered sufficiently persuasive the Tribunal.

In the second case, Dr Michael Dillon, senior lecturer in the Department of East Asian Studies and founding director of the Centre for Contemporary Chinese Studies at the University of Durham, gave an opinion that it was:

> "highly probable" that the Appellant would be prosecuted with the same offences under the double jeopardy provisions in the Chinese criminal code. He said that it was not possible to produce clear evidence for or against this argument. The nature of Chinese society was such that it lacked openness and there was no system of reporting of cases as in the West. … He was asked whether the Chinese authorities would be likely to deal with the Appellant under the penal system rather than extrajudicially. He said that they would deal with him but he could not be certain in which way. They would be pragmatic and whatever was appropriate at the time would be employed. Extrajudicial treatment was widely used, more often than making use of the penal code, as it was quicker and simpler and did not require the case to be brought before a court and it could involve up to four years' labour. There would simply be an arrangement between the police and the local authority. He would estimate that this case was relatively severe and might well be brought before the courts, but he had no evidence of that. (para.7).

The second case also contains Dr Dillion's opinions on the difficulty of obtaining evidence of trials, detentions or punishments given the Chinese authorities' lack of transparency and control over the media and court reporting (paras. 7-13). The Tribunal once again decided that if an expert China watcher was unable to produce any evidence of re-prosecution that his opinion was not sufficiently persuasive.

The cases reveal that the China experts know of no reports or trials of returned felons, but that this lack of reports or reported trials cannot be taken to show that such trials either have or have not taken place, given the Chinese authorities' lack of transparency and control over the media.

The relevant articles (10 and 7) of the Criminal Law are attached (*Criminal Law of the People's Republic of China*, (Adopted on July 1, 1979 and amended on March 14, 1997) – Attachment 15).

DFAT was asked for any information they had on the Chinese attitude to convicted felons (conspire to kidnap in this case) being returned to China and whether returning felons were ever interrogated about their criminal record or tried for the same crime, but they had no information on this question (RRT Country Research 2007, Email to DFAT 'RRT Country Information Request – CHN31495', 15 March – Attachment 8; DFAT 2007, *DFAT Report 622 – RRT Information Request: CHN31495*, 3 April – Attachment 9).

List of Attachments

1. Human Rights Watch 2004, *Demolished: Forced evictions and the Tenants' Rights Movement in China*, March, Vol. 16, No. 4(C)

2. US Department of State 2007, *Country Reports on Human Rights Practices 2006 – China*, March

3. Laogai Research Foundation 2006, 'Internet firms grilled in Congress for China activity', 17 February http://www.laogai.org/news/newsdetail.php?id=2498 – Accessed 5 April 2007

4. Walton, Greg 2001, *China's Golden Shield: Corporations and the Development of Surveillance Technology in the People's Republic of China*, International Centre for Human Rights and Democratic Development, http://www.ichrdd.ca/english/commdoc/publications/globalization/goldenShieldEng.html & www.dd-rd.ca/site/_PDF/publications/globalization/CGS_ENG.PDF – Accessed 5 April 2007

5. EPIC (Electronic Privacy Information Center) and Privacy International 2006, *Privacy & Human Rights 2005*, Country Report: China, 2 November http://www.privacyinternational.org/survey/phr2005/PHR2005china-georgia.pdf – Accessed 5 April 2007

6. Espiner, Colin 2005, 'China censors Clark on human rights', Stuff.co.nz, 1 June – http://www.stuff.co.nz/stuff/0,2106,3298664a10,00.html, Accessed on 1 Jun 2005 (CISNET China CX122784)

7. Reporters Without Borders 2004, 'Internet Under Surveillance – China', http://www.rsf.org/article.php3?id_article=10749 – Accessed 5 April 2007

8. \RRT Country Research 2007, Email to DFAT 'RRT Country Information Request – CHN31495', 15 March

9. DFAT 2007, *DFAT Report 622 – RRT Information Request: CHN31495*, 3 April

10. *Law Enforcement (Powers And Responsibilities) Act 2002* (NSW) Sec. 124 (http://www.austlii.edu.au//cgi-bin/disp.pl/au/legis/nsw/consol_act/leara2002451/s124.html?query=foreign%20and%20citizen

11. *Crimes (Administration Of Sentences) Regulation 2001* (NSW) Reg . 82 (http://www.austlii.edu.au//cgi-bin/disp.pl/au/legis/nsw/consol_reg/cosr2001439/s82.html?query=foreign%20national

12. UK Home Office 2006, *Operational Guidance Note: China*, 21 November

13. United Kingdom Immigration Tribunal 2004, *WC (no risk of double punishment) China [2004] UKIAT 00253*, 15 September http://www.bailii.org/uk/cases/UKIAT/2004/00253.html – Accessed 16 March 2007

14. United Kingdom Asylum and Immigration Tribunal 2006, *SC (Double jeopardy – WC considered) China CG [2006] UKAIT 00007*, 23 January http://www.bailii.org/uk/cases/UKIAT/2006/00007.html – Accessed 16 March 2007

15. *Criminal Law of the People's Republic of China* , (Adopted on July 1, 1979 and amended on March 14, 1997), Chinalaw website http://www.qis.net/chinalaw/

16. RRT Country Research 2007, Email to Human Rights Watch 'Information Request from RRT (Ref: CHN31495)', 14 March

17. RRT Country Research 2007, Email to Mickey Spiegel of Human Rights Watch 'Information Request from RRT (Ref: CHN31495)', 30 March