

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions:

- 1. Are there any reports confirming that medical testing has been carried out at the No. 93 Hospital of the People's Liberation Army?**
- 2. Is it probable that the authorities would pursue someone who revealed/spoke of information such as this?**
- 3. Ten times is a considerable amount to have been questioned by the police. Is this usual in these type of situations?**
- 4. Is it possible to have a valid passport issued after this amount of police interest?**

RESPONSE

- 1. Are there any reports confirming that medical testing has been carried out at the No. 93 Hospital of the People's Liberation Army?**

No information was found in the sources consulted on the No. 93 Hospital of the People's Liberation Army (PLA) or whether it carried out "medical testing".

Of interest is the following information from Falun Gong sources which refer to actions said to have taken place in PLA hospitals.

- In the report *Report into allegations of organ harvesting of Falun Gong practitioners in China* Matas and Kilgour wrote:

On March 18 or 19, 2006 M spoke to a representative of the Eye Department at the People's Liberation Army hospital in Shenyang in north-eastern China, although she was not able to make a full recorded transcript. Her notes indicate that the person identifying himself as the department's Chief-Physician said the facility did "many cornea operations", adding that "we also have fresh corneas." Asked what that means, the Chief-Physician replied "...just taken from bodies".

At Army Hospital 301 in Beijing in April, 2006, a surgeon, who told M that she did liver transplants herself, added that the source of the organs was a “state secret” and that anyone revealing the source “could be disqualified from doing such operations.” (Matas, David and Kilgour, David 2006, *Report into allegations of organ harvesting of Falun Gong practitioners in China*, 6 July, p.21 <http://investigation.go.saveinter.net> – Accessed 11 September 2006) – Attachment 1).

- The World Organization to Investigate the Persecution of Falun Gong reported that the 610 [The ‘610 Office’ or ‘Bureau 610’ is an organisation which was established by the Chinese Communist Party (CCP) Central Committee allegedly to suppress the practice of Falun Gong] operated within a PLA hospital:

Chinese People’s Liberation Army No. 215 Psychiatric Hospital in Liaoning Province Dalian City has been cooperating with the local “610 Office.” In the summer of 2002, on the third floor of its accommodation center, they set up a brainwashing class. There were more than 10 Falun Gong practitioners watched by policewomen. A special police vehicle was used with the plate number “Liaoning 0B-0813.” Doctors and nurses accompanied them. The hospital admitted that accepting these people into the hospital is violating the law, but they can do nothing about it because it was “a decision by the government.” (World Organization to Investigate the Persecution of Falun Gong 2004, *Investigation Reports on the Persecution of Falun Gong*, 12 June, pp.293-294 – Attachment 2).

- A Falun Gong practitioner was said to have been forced to take medicine at a PLA Hospital:

Practitioner Li Qiuxia was sent to 261 Mental Hospital of People’s Liberation Army on June 2nd with the consent of the Navy Hospital. At first, she refused to take medication, so the nurses tried to pry open her mouth, then a nasal tube that was inserted into her stomach. They even used electrical torture. Once the nurses bound her to a post and pricked two electrical needles to her temples. Because the needles penetrated into the flesh plus the muscles were shocked, it was very painful. She was given the torture three times. All she ate in the hospital were blacken buns and porridge without any rice. A cucumber or tomato was given every three or four days. Also, it’s a common occurrence for the nurses to beat and scold the patients. They forced her to take 13 pills every day (Zhou, Shiyu et al. 2001, *A Report on Extensive and Severe Human Rights Violations in the Suppression of Falun Gong in the People’s Republic of China*, February, p.341 – Attachment 3).

2. Is it probable that the authorities would pursue someone who revealed/spoke of information such as this?

No information was found in the sources consulted on authorities pursuing a person who has revealed information as outlined.

However, sources indicate that people who publicise information the government finds embarrassing may be charged with illegally revealing confidential information. Dissidents and separatists may face imprisonment if they speak out. People have been jailed for revealing vaguely defined “state secrets” (Einhorn, Bruce 2005, ‘A Cooler Look at Yahoo in

China', *BusinessWeek online*, 21 September
http://www.businessweek.com/bwdaily/dnflash/sep2005/nf20050921_9883_db065.htm – Accessed 9 October 2006 – Attachment 4; Innes-Ker, Duncan 2006, 'Freeing up free speech', *Economist Intelligence Unit – Business China*, 13 February – Attachment 5; Human Rights Watch 2004, 'Human Rights and the 2008 Olympics in Beijing: Chinese Laws and Censorship' <http://www.hrw.org/campaigns/china/beijing08/law.htm> – Accessed 29 May 2006 – Attachment 6).

Articles referring to people who have revealed information include:

- A family was prevented from holding a news conference in Beijing to publicise complaints of police brutality in their village ('DJ China Villagers Blocked From Disclosing Police Brutality' 2005, *Dow Jones Commodities Service*, 28 December – Attachment 7).
- Chen Guangcheng, a blind human rights activist, was sentenced to four years and three months imprisonment. He publicised claims that Chinese officials in Shandong province were enforcing late-term abortions and sterilisations. He had been arrested and charged with destroying public property and disturbing social order ('China trials show danger of dissent' 2006, *BBC News Online*, 25 August – Attachment 8).
- Zhao Yan, a *New York Times* researcher, was sentenced to three years for fraud. He was arrested in 2004 after the newspaper correctly reported that a former president, Jiang Zemin, was to resign from his last official post, head of the China's armed forces ('China trials show danger of dissent' 2006, *BBC News Online*, 25 August – Attachment 8).

Of interest is DFAT advice which states that:

...Authorities often detain, without proceeding to formal arrest, the leaders of public demonstrations and sometimes detain those who are robust in making complaints to the authorities (Department of Foreign Affairs and Trade 2005, *DFAT Report 399 – RRT Information Request: CHN17444*, 19 August – Attachment 9).

3. Ten times is a considerable amount to have been questioned by the police. Is this usual in these types of situations?

Definitive information on this question was not found in the sources consulted. A selection of sources indicate that police have questioned people "multiple times", "numerous times", "many times", "12 times" and "19 times".

Reports of such questioning are sourced below.

- In July 2006 a documentary filmmaker and blogger, Hao Wu, was detained for shooting a documentary on China's unregistered house churches. While he was being held police interrogated one of his friends "multiple times" on the source of the film's funding (US Congressional-Executive Commission on China 2006, 'Chinese Authorities Release House Church Filmmaker After 140 Days in Custody' in *China Human Rights and Rule of Law Update*, September, p.8 – Attachment 10).

- In July 2001 Hong Kong Falun Gong practitioner stated that he was questioned “many times” as follows:

“From July 12, when I was arrested, to July 13, when they transferred me to the detention centre, officers did not give me any food. Luckily, other people detained had relatives outside who sent us food,” he said. “They questioned me many times.” (Chung-yan, Chow 2001, ‘Beijing deports sect follower’, *South China Morning Post*, 14 August – Attachment 11).

- In a May 1999 news article a student leader of the 1989 democracy movement “was interrogated numerous times by the police after he was made the national head of a global campaign to reverse the verdict on the June 4 movement” (‘China police arrest student leader Yang Tao-group’ 1999, *Reuters News*, 22 May – Attachment 12).
- A prominent dissident was interrogated by police 19 times in 1998 while being detained (Human Rights in China 2003, ‘Dissident Fang Jue Expelled from China’, 24 January <http://iso.hrichina.org/iso/news.adp> – Accessed 21 March 2003 – Attachment 13).
- A 1999 RRT Country Research Response cites a news article which reported the questioning of a high profile dissident, who began writing in October 1997 a series of open letters to Jiang Zemin and the Communist Party’s Central Committee, in the following terms:

...In September 1998 he was again detained for seven days for violating rules requiring him to report to a local police station three times a day, having previously been interrogated by police 12 times since sending an open letter to President Jiang Zemin titled “Without democracy, a hopeless China”...In October 1998 he was again questioned by police about his dealings with other dissidents (RRT Country Research 1999, *Research Response CHN13900*, 30 November, p.4 – Attachment 14).

4. Is it possible to have a valid passport issued after this amount of police interest?

According to DFAT a person who had come to the adverse attention of the Chinese government would experience difficulty in obtaining a legal passport (DIMA Country Information Service 2003, *Country Information Report No. 12/03 – Passport and Exit Procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 15).

Sources in an Immigration and Refugee Board of Canada advice note that Chinese citizens wishing to obtain a passport for personal travel must apply through their local public security office. A Canadian consulate official has indicated that a citizen in possession of a valid identity card and having no criminal record may apply for a passport (Immigration and Refugee Board of Canada 2005, *CHN100512.E – China: Procedures for obtaining a passport, including documents to be submitted, the issuing authority, processing times, and whether the applicant must apply in person (2003 – 2005)*, 7 October – Attachment 16).

DFAT has also advised that:

Checks with the Public Security Bureau in the applicant’s place of registered residence would reveal any adverse records held by public security organs on the applicant. An applicant “whose exit, in the judgement of the relevant

department of the State Council, would be harmful to state security or cause a major loss to national interests” would likely be denied a passport. Illegally obtaining a passport in the applicant’s own name through bribery would be possible, but highly risky and expensive. It would be easier to obtain a passport using someone else’s identity (DIMA Country Information Service 2003, *Country Information Report No. 12/03 – Passport and Exit Procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 15).

DFAT also indicated that provided an applicant did not fall into any of the categories of persons ineligible to leave China (under article 8 of the *Law on the Control of Entry and Exit of Citizens*) the passport would likely to be issued (DIMA Country Information Service 2003, *Country Information Report No. 12/03 – Passport and Exit Procedures*, (sourced from DFAT advice of 15 January 2003), 24 January – Attachment 15).

Recently DFAT advised on Article 8 as follows:

3. The Ministry of Public Security said that border exit procedures were carried out according to Chinese law. Chapter II, Article 8 of the *Administrative Law on the Border Exit and Entry of Citizens of the People’s Republic of China* states that Chinese citizens will not be allowed to exit the PRC border under the following circumstances:

- i) If the person is a defendant in a criminal case or suspected of a crime by the security organs, the People’s Procuratorate or the People’s Court;
- ii) If the People’s Court notifies that the person is involved in a civil case that has not been completed and they cannot leave the country;
- iii) If the person is currently serving a criminal sentence;
- iv) If the person is undergoing re-education through labour;
- v) If the relevant organs of the State Council believe that, after departing the country, that person might cause danger to national security or cause extreme harm to national interests (Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September – Attachment 17).

DFAT continued:

4. We note the broad wording of the last point could be interpreted to include Falun Gong practitioners, given the Chinese Government’s extreme sensitivity to vocal campaigning by Falun Gong practioners (sic) abroad.

5. As a general point, we remind you that implementation of rules in China can be incomplete, or over-zealous (Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September – Attachment 17).

The US Department of State reported on people who may have difficulty obtaining passports in the following terms:

...Most citizens could obtain passports, although those whom the government

deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports... There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. There were instances in which the authorities refused to issue passports or visas on apparent political grounds. Cheng Yizhong, the editor of Guangdong Province's Southern Metropolitan Daily newspaper, was banned by authorities from traveling abroad during the year to accept a UNESCO press freedom award. Members of underground churches, Falun Gong members and other politically sensitive individuals sometimes were refused passports and other necessary travel documents (US Department of State 2006, 'Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation' in *Country Reports on Human Rights Practices for 2005 – China*, 8 March – Attachment 18).

The US State Department also mentioned:

...The government permitted registered religions to train clergy and allowed an increasing number of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies, but some religion students had difficulty getting passports or obtaining approval to study abroad...(US Department of State 2006, 'Freedom of Religion' in *Country Reports on Human Rights Practices for 2005 – China*, 8 March – Attachment 18).

For further information on exit controls and procedures see: Immigration and Refugee Board of Canada 2005, *CHN1000513.E – China: Exit controls for citizens travelling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport (2003 - 2005)*, 25 October – Attachment 19).

List of Sources Consulted

Internet Sources:

Search Engines

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Matas, David and Kilgour, David 2006, *Report into allegations of organ harvesting of Falun Gong practitioners in China*, 6 July, pp.20-21
<http://investigation.go.saveinter.net> – Accessed 11 September 2006
2. World Organization to Investigate the Persecution of Falun Gong 2004, *Investigation Reports on the Persecution of Falun Gong*, 12 June, pp.293-294
3. Zhou, Shiyu et al. 2001, *A Report on Extensive and Severe Human Rights Violations in the Suppression of Falun Gong in the People's Republic of China*, February, p.341
4. Einhorn, Bruce 2005, 'A Cooler Look at Yahoo in China', *BusinessWeek online*, 21 September
http://www.businessweek.com/bwdaily/dnflash/sep2005/nf20050921_9883_db065.htm – Accessed 9 October 2006
5. Innes-Ker, Duncan 2006, 'Freeing up free speech', *Economist Intelligence Unit – Business China*, 13 February (FACTIVA)
6. Human Rights Watch 2004, 'Human Rights and the 2008 Olympics in Beijing: Chinese Laws and Censorship'
<http://www.hrw.org/campaigns/china/beijing08/law.htm> – Accessed 29 May 2006
7. 'DJ China Villagers Blocked From Disclosing Police Brutality' 2005, *Dow Jones Commodities Service*, 28 December (FACTIVA)
8. 'China trials show danger of dissent' 2006, *BBC News Online*, 25 August (FACTIVA)
9. Department of Foreign Affairs and Trade 2005, *DFAT Report 399 – RRT Information Request: CHN17444*, 19 August
10. US Congressional-Executive Commission on China 2006, 'Chinese Authorities Release House Church Filmmaker After 140 Days in Custody' in *China Human Rights and Rule of Law Update*, September, p.8
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12. 'China police arrest student leader Yang Tao-group' 1999, *Reuters News*, 22 May (FACTIVA)
13. Human Rights in China 2003, 'Dissident Fang Jue Expelled from China', 24 January
<http://iso.hrichina.org/iso/news.adp> – Accessed 21 March 2003
14. RRT Country Research 1999, *Research Response CHN13900*, 30 November, p.4
15. DIMA Country Information Service 2003, *Country Information Report No. 12/03 – Passport and Exit Procedures*, (sourced from DFAT advice of 15 January 2003), 24 January (CISNET China CX72393)

16. Immigration and Refugee Board of Canada 2005, *CHN100512.E – China: Procedures for obtaining a passport, including documents to be submitted, the issuing authority, processing times, and whether the applicant must apply in person (2003 – 2005)*, 7 October (REFINFO)
17. Department of Foreign Affairs and Trade 2006, *DFAT Report 540 – RRT Information Request CHN30682*, 28 September
18. US Department of State 2006, ‘Freedom of Religion’ and ‘Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation’ in *Country Reports on Human Rights Practices for 2005 – China*, 8 March
19. Immigration and Refugee Board of Canada 2005, *CHN1000513.E – China: Exit controls for citizens travelling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport (2003 -2005)*, 25 October (REFINFO)