

09/2374-2¹

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4415	
CONNECTION TEL		061121776
SUBADDRESS		
CONNECTION ID		
ST. TIME	18/10 15:10	
USAGE T	01'27	
PGS. SENT	3	
RESULT	OK	

s 33 (b)

s 33 (b)

s 33 (b)

s 33 (b)

09/2374⁵3

Australian Government
Attorney-General's Department

Office of International Law

TO	s 22 1(a)(ii)	FAX	6112 2866
OF	Department of Foreign Affairs and Trade		
PAGES	3	DATE	26 February 2009
	Including this page		
FROM	s 22 1(a)(ii)	FAX	02 6250 5931
	Principal Legal Officer, Office of International Law		
E-MAIL	s 22 1(a)(ii)	PHONE	02 6250s 22 1(a)(ii)
	@ag.gov.au		

Meeting with Chinese Ambassador on Falun Gong cases

s 22 1(a)(ii)

Please find attached the note handed to our Secretary by the Chinese Ambassador this afternoon.

s 22 1(a)(ii)

IMPORTANT: This transmission is intended for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify this Office immediately by telephone so that we can arrange for the return of the documents to us at no cost to you.

Talking Points

s 33 (b)

s 33 (b)

Talking Points

s 33 (b)

s 33 (b)

s 22 1(a)(ii)

s 33 (b)

China: Falun Gong
potential
activity
11/7/8.

UNCLASSIFIED

s 22 1(a)(ii) People/DFATL
17/08/2010 01:39 PM

To s 22 1(a)(ii) People/DFATL@DFATL, Anne
Plunkett/People/DFATL@DFATL,
s 22 1(a)(ii) @afp.gov.au, s 22 1(a)(ii) @ag.gov.au
cc s 22 1(a)(ii)

bcc

Subject China - further TPN complaint about Falun Gong activities
adjacent to the Embassy [SEC=UNCLASSIFIED]

Colleagues

Please see attached, which was passed to me by hand today during a meeting with s 33 (a)(iii) First
Secretary, about unrelated matters:



Chinese Embassy TPN_Falun Gong intrusions_170810.pdf

s 47 C

s 22 1(a)(ii)
Director-PPI/PRB
(Protection, Privileges and Immunities,
Protocol Branch)
Ph: 6261 s 22 1(a)(ii)
Fax: 6112 s 22 1(a)(ii)
E-mail: s 22 1(a)(ii)

UNCLASSIFIED



N° PRB 10/482

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of the People's Republic of China in Australia and has the honour to refer to the Embassy's Note No. 119/2010 dated 13 August 2010 which referred to instances of ongoing disturbance by Falun Gong representatives to the normal work of the Chinese Embassy.

The Department acknowledges the Embassy's assertion that some of the identified activities of Falun Gong representatives may go beyond normal expectations for the peace and comfort of the community at large, including the Chinese Embassy and its staff, being part of the diplomatic community in Australia. The details of the Embassy's diplomatic note have been drawn to the attention of Australian security agencies, including the Australian Federal Police (AFP), who will be considering the issues raised against the background of community acceptance that peaceful and law abiding protest activity is a hallmark of Australia's democratic traditions. The AFP may be in contact with Embassy in the course of reviewing current arrangements in place in the Embassy environs.

The Department of Foreign Affairs and Trade avails itself of this opportunity to renew to the Embassy of the People's Republic of China the assurances of its highest consideration.



CANBERRA
20 August 2010
File: 07/002377

E-mail Message
s 22 1(a)(ii)

s 22 1(a)(ii)

s 22 1(a)(ii) /People/DFATL
23/02/2011 03:29 PM

To

Philippa King/People/DFATL@DFATL

cc

s 22 1(a)(ii)

John Langtry/People/DFATL@DFATL, s 22 1(a)(ii)
Anne Plunkett/People/DFATL@DFATL, s 22 1(a)(ii)

Subject

Crickey.com: Shen Yun article [SEC=IN-CONFIDENCE]

Hello Philippa

The following Crickey.com article suggests that the Chinese Consulate might have been telling NSW schools not to attend a Shen Yun Performing Arts schools matinee given Shen Yun's close links with Falun Gong. Crickey.com does not provide any clear evidence, but s 33 (a)(iii)

If we did find any evidence to confirm the recent allegations, we would want to caution those concerned that such behaviour foreign diplomatic or consular staff in Australia would be inappropriate.

Do you think there would be value in making a discreet enquiry to the NSW Department of Education to see if they have received any complaints or reports or such behaviour recently?

Regards

s 22 1(a)(ii)

s 22 1(a)(ii)

Director, China Political and External Section
Department of Foreign Affairs and Trade
Tel: 61 2 6261 s 22 1(a)(ii)
Fax: 61 2 6112

3. Theatre group raises questions about Chinese Consulate intimidating schools
Crickey journalist Tom Cowie writes:
CHINESE CONSULATE, DFAT, FALUN GONG, NSW DEPARTMENT OF EDUCATION
Organisers behind a Chinese cultural show with an association with Falun Gong suspect that Chinese diplomats are pressuring public schools in New South Wales not to attend.

Shen Yun Performing Arts will today play a school matinee as part of the end of its two week run at Sydney's Capitol Theatre, before moving on to other capital cities. Based in New York, the show is a worldwide touring music and dance show which celebrates 5000 years of Chinese culture.

But Ruby Wong from Universal Cultural Communications, the group behind the show, says that a number of schools have pulled out of today's matinee, with one cancelling 160 tickets just two days before the show. She believes that the Sydney Chinese consulate have been in contact with the schools and have asked them not to attend.

"We have heard of cases where schools may have been contacted by the Chinese consulate to discourage them from seeing the show," Wong told Crickey. "One school teacher told us that she was warned that if they [attend the performance] .. a [future] visa to China could be affected or denied. They were told that they better check with the Chinese consulate if they should see Shen Yun or not."

At least three public schools had pulled out or threatened to pull out, said

Wong, without making the reasons behind the cancellations clear. She said that, when contacted by Universal Cultural Communications, one of the school's principals said they wanted to "maintain a good relationship with China". Another school continually asked if they were speaking to the Consulate when on the phone to a representative of the show, Wong said.

Falun Gong, also known as Falun Dhafa, was formed in the 1990s and relies on meditation and exercise to promote spiritual awakening. It has been banned in China since 1999. The Chinese government claims Falun Gong is an anti-China political group and a destructive cult.

NSW Greens MLC Ian Cohen told Crikey that he has been the subject of pressure from the Chinese consulate about Falun Gong in the past. In 2006, the Consulate General sent out letters to politicians urging them not to attend a show called Chinese New Year Spectacular because it was a "propaganda tool" of Falun Gong.

"It really does fly in the face of proper process in terms of how diplomatic officials should be acting," Cohen told Crikey. "I told them what I thought of them (in 2006) and I was very strident of my condemnation of that activity. They've learnt not to contact me but they certainly haven't learnt about appropriately conducting diplomatic matters."

Cohen also raised issues with schools being contacted by the Chinese consulate calling it a "coercive pressure".

"It's attacking very vulnerable people in our society, young people," he said.

"They have a future and they may want dream about going to a place like China."

Cohen called for the Department of Foreign Affairs and Trade (DFAT) to respond to the questions, a move supported by NSW Family First MLC Dr Gordon Moyes:

"There is no question; if a foreign government interferes in religious or education practices of Australian citizens, they are acting illegally."

Recently, the Sydney Morning Herald reported on the newly formed Confucius Institute, funded by the Chinese government and the NSW Department of Education.

According to the report, the institute will provide teachers from China to help oversee "Confucius classrooms" for more than 3000 students in seven schools from the second half of the 2011. Senior Department of Education figures conceded that the discussion of sensitive topics such as Falun Gong, Taiwan, Tibet and Tiananmen Square in these classes could cause problems.

When contacted by Crikey, the principals of the schools declined to comment about Shen Yun. Crikey was told to contact the NSW Department of Education, who did not supply a comment before deadline.

DFAT did not supply a comment to Crikey before deadline. All calls to the Sydney Chinese Consulate went unanswered.

s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Wednesday, 2 November 2011 11:43 AM
To: s 22 1(a)(ii)
Cc: Lanyon, Karen (Karen.Lanyon@dfat.gov.au); s 22 1(a)(ii)
 s 22 1(a)(ii)
Subject: FW: PRC Consulate - protest by Falun Fafa Sunday 6 November 2011
 [SEC=UNCLASSIFIED]

s 22 1(a)(ii)

FYI re a Falun Dafa protest at the Chinese Consulate on Sunday.

Regards

s 22 1(a)(ii)

s 22 1(a)(ii) Deputy State Director | Department of Foreign Affairs and Trade, NSW State Office
 E: s 22 1(a)(ii) @dfat.gov.au | T: +61 (02) 9356 s 22 1(a)(ii)
 Department of Foreign Affairs and Trade website www.dfat.gov.au
 Australia: Candidate for the United Nations Security Council 2013 - 2014 website <http://australia-unscc.gov.au/>

From: s 22 1(a)(ii) @afp.gov.au]
Sent: Wednesday, 2 November 2011 10:39 AM
To: s 22 1(a)(ii) Lanyon, Karen
Cc: s 22 1(a)(ii)
Subject: PRC Consulate - protest by Falun Fafa Sunday 6 November 2011 [SEC=UNCLASSIFIED]

FYI

The Falun Dafa Association of Australia on Sunday the 6th November, 2011 will be outside the Chinese Consulate 39 Dunblane St Camperdown. The Falun Dafa Association of Australia has on a number of occasions conducted peaceful vigils at the location without incident.

Information provided by the protest co-ordinator indicates the participants plan to conduct group meditation on the public footpath immediately adjacent to the entrance of the Consulate in an effort to "raise awareness about the persecution of Falun Dafa in China." The protest is scheduled to commence at 7:50am and is expected to conclude by 10:30am. Organisers have nominated approximately 60 participants will be in attendance. Similar events conducted by the organisation have attracted participants numbering 30-40 (predominantly elderly females). The last event held in October, 2011 attracted even smaller numbers with no issues arising.

Regards



s 22 1(a)(ii)
 TEAM LEADER - PROTECTION LIAISON
 PROTECTION
 Tel +61(0) 2 92864294 s 22 1(a)(ii)
www.afp.gov.au

s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Friday, 31 August 2012 2:11 PM
To: s 33 (a)(iii) @mfa.gov.cn; s 33 (a)(iii)
Subject: Falun Gong Litigation [SEC=UNCLASSIFIED]

Dears s 33 (a)(iii)

Here are the Falun Gong points from our meeting this morning.



120831 - Falun
Gong Litigation..

Feel free to contact me if you have any queries.

Kind regards,
s 22 1(a)(ii)

s 22 1(a)(ii)

Executive Officer
China Political & External Section
East Asia Branch, North Asia Division
Department of Foreign Affairs and Trade
Tel +61 2 6261 s 22 1(a)(ii)
Fax +61 2 6112

Falun Gong Litigation

As you know, the Attorney-General has sought leave to intervene in the case of *Li & Ors v Zhou Yongkang*.

- The Attorney-General has intervened in three other cases and this is the only remaining case of its kind before the courts.

A hearing date for the Attorney-General's application has now been set for Monday 19 November [NSW Supreme Court, Sydney].

- There is no guarantee that the Supreme Court will grant leave for the Attorney-General to intervene.
- But if leave is granted, substantive argument would follow that day.
- The hearing is expected to last one day.

If the plaintiffs lose their application, they may appeal to the High Court.

- If this happens the Attorney-General would again need to seek the court's leave to intervene.

Although the Australian Government has previously intervened in three cases to assist in the proper application of the *Foreign States Immunities Act 1985* (FSI Act), China should not assume this assistance will continue indefinitely.

The FSI Act provides the proper mechanism for foreign states to assert immunity, without submitting to the Australian court's jurisdiction.

s 33 (a)(iii)

s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Friday, 19 October 2012 12:43 PM
To: s 22 1(a)(ii)
Cc: s 22 1(a)(ii)
Subject: FW: 14th HRD Cases of Concern List [SEC=UNCLASSIFIED]
Attachments: 120705_14th HRD Cases of Concern List_CN.DOCX; 14th HRD Final Cases of Concern List - english.docx

s 22 1(a)(ii)

For your information only.

Kind regards,

s 22 1(a)(ii)

-----Original Message-----

From: s 22 1(a)(ii)
Sent: Thursday, 18 October 2012 5:36 PM
To: s 33 (a)(iii) @mfa.gov.cn; s 33 (a)(iii) @mfa.gov.cn
Cc: s 22 1(a)(ii) 1@dfat.gov.au
Subject: FW: 14th HRD Cases of Concern List [SEC=UNCLASSIFIED]

Dears s 33 (a)(iii)

Further to my discussion with s 33 (a)(iii) yesterday, please find below the Australian government's cases of concern list, as conveyed following the 14th Human Rights Dialogue in Canberra in July this year. I note that the list was originally sent to s 33 (a)(iii) Political Counsellor at the Chinese Embassy, who later confirmed the list had been forwarded to Attaché s 33 (a)(iii)

I attach the original email for your reference. I would be grateful for MFA's confirmation of receipt of this email, and the list, at the earliest opportunity.

Thank you,

s 22 1(a)(ii)

Second Secretary (Political)
 Australian Embassy, Beijing
 Tel: (+86) 10 5140 s 22 1(a)(ii)
 Fax: (+86) 10 5140 4486
 Mobile: s 22 1(a)(ii)

-----Original Message-----

From: s 22 1(a)(ii)
Sent: Wednesday, 11 July 2012 5:45 PM
To: s 33 (a)(iii) @mfa.gov.cn
Cc: s 33 (a)(iii) @mfa.gov.cn; s 22 1(a)(ii)
Subject: FW: 14th HRD Cases of Concern List [SEC=UNCLASSIFIED]

s 33 (a)(iii)

I would welcome your confirmation that you passed the list to relevant officials in MFA's International Organisations and Conferences department.

Thanks

s 22 1(a)(ii)

Director, China Political and External Section Department of Foreign Affairs and Trade

Tel: 61 2 6261 s 22 1(a)(ii)

Fax: 61 2 6112

-----Original Message-----

From: s 22 1(a)(ii)

Sent: Wednesday, 11 July 2012 9:58 AM

To: s 33 (a)(iii)@mfa.gov.cn

Cc: s 22 1(a)(ii) s 33 (a)(iii) @mfa.gov.cn

Subject: FW: 14th HRD Cases of Concern List [SEC=UNCLASSIFIED]

s 33 (a)(iii)

Further to our discussion yesterday afternoon, s 33(a)(iii) told Mr Peter Rowe last night that the Chinese side would accept the Australian list of cases of concern today, s 33 (a)(iii)

s 33 (a)(iii)

Thus, I have attached to this message the 2012 human rights cases of concern list in both Chinese and English versions.

I would welcome your assistance in conveying these documents to relevant officials in MFA's International Organisations and Conferences department.

Thanks

s 22 1(a)(ii)

Director, China Political and External Section Department of Foreign Affairs and Trade

Tel: 61 2 6261 s 22 1(a)(ii)

Fax: 61 2 6112

**14th Australia-China Human Rights Dialogue
Cases of Human Rights Concern**

**Legal Professionals, Rights Defenders, Freedom of Expression and Freedom of
Movement Cases**
s 22 1(a)(ii)

s 22 1(a)(ii)

8. s 33 (a)(iii), s 47 F(1)

s 33 (a)(iii), s 47 F(1)

s 22 1(a)(ii)

Members of Ethnic Minorities

s 22 1(a)(ii)

s 22 1(a)(ii)

s 22 1(a)(ii)

s 22 1(a)(ii)

Freedom of Religion

s 22 1(a)(ii)

s 22 1(a)(ii)

s 33 (a)(iii), s 47 F(1)

Labour Rights Activists

s 22 1(a)(ii)

s 22 1(a)(ii)

Environmental Activists

s 22 1(a)(ii)

s 22 1(a)(ii)

Chinese Communities Sensitivities Summary

Guide to community sensitivities

This guide to community sensitivities is based only on what is known by the Community Relations Section (Canberra) and the Community Liaison Officer (CLO) network (based in all state and territory capital cities) in the Department of Immigration and Citizenship at the time of writing. It should not be taken as comprehensive or definitive.

Chinese communities

s 22 1(a)(ii)

History in Australia

s 22 1(a)(ii)

Organisational politics

s 22 1(a)(ii)

s 22 1(a)(ii)

Foreign policy and other issues

There is involvement in some community organisations by the Chinese Government through their embassy in Canberra and consulates in other cities. Consequently, some community views, particularly by more newly arrived migrants from mainland China, may reflect issues of concern to the Chinese Government, for example those relating to Falun Gong, s 22 1(a)(ii)

Falun Gong

Falun Gong (also known as Falun Dafa) is a spiritual movement derived from Qigong (exercise and meditation). It was banned by the Chinese Government in late 1999 following well-organised Falun Gong protests in China.

Though not counted in the Australian Census as a religion, it has an active presence in Australia, which includes distribution of its free Epoch Times newspaper and other material about human organ harvesting. Other Falun Gong affiliated media include English-language Sound of Hope radio, headquartered in Sydney; and allegedly New Tang Dynasty Television, headquartered in New York and available by satellite or online. These media outlets report human rights issues in China and criticism of the Communist Party of China.

Shen Yun Performing Arts, based in New York, regularly performs concerts in Australia and is also affiliated with Falun Gong. Its performers are Falun Gong practitioners and concerts are promoted through Falun Gong organisations.

Falun Gong is able to raise human rights issues directly with the Australian Government through official dialogue. Other Australian Government engagement including with affiliated organisations have in the past irritated Australia-China bilateral relations. Chinese community organisations in Australia do not generally raise Falun Gong as an issue unless asked.

s 22 1(a)(ii)

s 22 1(a)(ii)

Last updated 25 January 2013

This document was produced by Community Relations Section, Multicultural and Settlement Policy Branch of the Department of Immigration and Citizenship for official use and internal background briefing only.

s 22 1(a)(ii)

From: s 22 1(a)(ii)
Sent: Thursday, 4 April 2013 11:14 AM
To: s 22 1(a)(ii)
Subject: FW: Your inquiry / Falun Gong litigation and NSW parliament [SEC=UNCLASSIFIED]

From: s 22 1(a)(ii)
Sent: Tuesday, 26 March 2013 7:10 PM
To: s 33 (a)(iii)
Subject: Your Inquiry / Falun Gong litigation and NSW parliament [SEC=UNCLASSIFIED]

Dear s 33 (a)(iii)

Thank you for your message about the Falun Gong litigation and the NSW parliament's recent discussion regarding the Human Tissue Amendment (Trafficking in Human Organs) Bill 2013. We are aware of both issues, including the directions hearing in the NSW Supreme Court on 24 April, and of China's ongoing interest in these matters.

We continue to follow the Falun Gong litigation closely. As you know, the Australia Government, through the Attorney-General has intervened in all four Falun Gong cases, including the current case before the NSW Supreme Court, to assist in the proper application of the Foreign States Immunities Act 1985 (FSI Act). On this, we would once again remind China that the FSI Act provides the proper mechanism for foreign states to assert immunity, without submitting to the jurisdiction of an Australian court. We strongly encourage China to assert its own immunity in any future Falun Gong cases.

We remain unconvinced about the Falun Gong-specific allegations of organ harvesting. But this does not change the Australian Government's well-known concern about China's ban on and treatment of Falun Gong practitioners and about organ harvesting more broadly, including from death-row prisoners. While we welcome China's introduction of appropriate regulations on organ donation, it is also important that China ensures these regulations are fully and consistently implemented at all levels.

Thank you once again for your message and please let me know if I can assist with any other inquiries.

Kind regards,
s 22 1(a)(ii)

s 22 1(a)(ii)

Acting Director
China Political & External Section
East Asia Branch, North Asia Division
Department of Foreign Affairs and Trade
Tel +61 2 6261 s 22 1(a)(ii)
Fax +61 2 6112

From: s 33(a)(iii) @mfa.gov.cn
Sent: Tuesday, 26 March 2013 8:43 AM
To: s 22 1(a)(ii)
Subject: Fw:information to let you know

