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PAGE 13

Falun Gong fights back

Taiwanese Falun Gong members are taking on Hong Kong's immigration department in the territory's courts over alleged discrimination

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Human rights lawyer Theresa Chu (朱婉琪) has been blocked from entering Hong Kong four times since 2002 at "sensitive" times. Like other Taiwanese Falun Gong followers who have been pulled aside by immigration officers and put on a plane back home, each time Chu had valid travel documents. She was not told why Hong Kong had issued her a visa in advance of her trip yet was turning her back at Hong Kong International Airport. Once, she said, airport police even strapped her to a stretcher to transport her to her return flight.

But Chu has also entered Hong Kong dozens of times, most recently last month — to appear in court. She is one of a group of five Taiwanese Falun Gong practitioners who have taken their grievances to court, accusing the territory's immigration department of discriminating against them based on their religion. The case stems from an incident in February 2003, when some 80 Taiwanese Falun Gong practitioners were turned back at Hong Kong International Airport by Hong Kong immigration on their way to a conference.

The complaint was filed more than five years ago against Lai Tung-kwok (黎棟國), then-director of the Immigration Department of the Government of the Hong Kong Special Administration Region. In September the case reached the Court of Appeal of the High Court, where Chu and her fellow plaintiffs finally saw some signs of hope. The court demanded that the immigration department provide evidence supporting its claim that the five people in question posed a threat to national security.

The court is currently reviewing an affidavit submitted by the immigration department and there will be a final hearing from March 12 to March 13 next year. "According to the affidavit the Hong Kong government immigration department provided to the court, the papers and related computer records about the five Taiwanese Falun Gong practitioners were destroyed in accordance with standard procedures on March 12, 2003," said Chu, who is not allowed to show the affidavit or quote directly from it to a third party.

Chu's tale is not unusual. In June last year, a dozen Taiwanese Falun Gong practitioners were blocked from entering Hong Kong. The movement was planning a demonstration on July 1, 2007, the 10th anniversary of the territory's handover to China, and the Taiwanese intended to participate.

The US State Department expressed its concern about the June 2007 incident in a statement asking Hong Kong to "continue to uphold its high standards of personal and political freedom."

In Taiwan, the Mainland Affairs Council and the Ministry of Transportation and Communications have looked into allegations that Hong Kong immigration authorities had asked Taiwanese airlines to block Falun Gong practitioners from boarding flights to Hong Kong ahead of the anniversary. Local airlines confirmed the allegations but emphasized they had not complied with the request.

Representatives of a Taiwanese airline attended a "meeting held by the Hong Kong Immigration Department on June 25, 2007," the council wrote in a formal letter to Chu after investigating a complaint submitted by the repatriated Falun Gong practitioners. "They didn't cooperate ... in dissuading some Taiwanese nationals from boarding and flying to Hong Kong," said the council, which sent a formal complaint to Hong Kong and issued a statement condemning its actions. The council did not name the airline in question.

Some followers of Falun Gong planning to attend the 2007 rally had received faxes from their Taichung



travel agency of an e-mail, a copy of which was obtained by the *Taipei Times*, from China Airlines saying the airline had been told that a list of known Falun Gong practitioners would be barred from entering Hong Kong. The agency and airline wanted to make clear they would not refund tickets if people on the list were repatriated.

Beijing has never been subtle about its persecution of Falun Gong, which it banned in 1999 after thousands of the movement's practitioners organized a peaceful demonstration at the Chinese Communist Party's central compound, Zhongnanhai (中南海), in Beijing. The movement has attracted millions of followers with a mix of traditional Chinese calisthenics and doctrines drawn from Buddhism, Taoism and the ideas of its founder, Li Hongzhi (李洪志), a former government clerk who now lives in the US.

In Hong Kong, however, where the movement is legal, authorities have to play by different rules. But human rights groups in the special administrative region say Beijing is tightening its control over Hong Kong, resulting in the erosion of freedoms for Falun Gong practitioners **guaranteed** under the territory's Basic Law.

Law Yuk Kai (羅沃啓), director of the nonprofit organization Hong Kong Human Rights Monitor, said discrimination against the Falun Gong is evident. His organization is following the proceedings of the case filed by Chu and her peers.

"Hong Kong enjoys 'one country, two systems.' In this kind of system, our [immigration] director is expected to work independently," of China, Law said in a telephone interview. But this is not the case when it comes to the Falun Gong, he said. "It seems quite obvious that Falun Gong people have been denied entry," he said. "We have a tradition of a free society, we do not dismiss people on the grounds of their religious beliefs."

Hong Kong's immigration department said the five Taiwanese who filed the court case were not denied entry because of their religion, but because of national security concerns.

Law is skeptical of this claim. "We don't see these people as a threat to security; they have been allowed to enter Hong Kong in the past. So it seems motivated by something else," he said. "And the time when they wanted to enter Hong Kong [and were rejected] there were important things going on here."

Chu said she has only been denied entry when planning to attend Falun Gong demonstrations or conferences or at "sensitive times," such as the Olympics or when important Chinese officials were visiting Hong Kong.

"They bound me, even tightly," she said, referring to the incident when she was wrapped in a blanket and strapped to a gurney by airport police before being wheeled to a Taiwan-bound flight. "I said, 'How can you treat me like this?' I said, 'I am on your side, I protected your rights against Article 23,'" recalled Chu, who was active in the fight to block the implementation of Article 23 of the



Basic Law. The proposed legislation, which would have dealt a severe blow to freedom of association and religion in Hong Kong, sparked mass street protests in the territory in 2003.

According to Chu, one of the female immigration officers walked away crying. "The orders come from Zhongnanhai," the woman said.

Taiwanese Falun Gong followers are not the only ones who say they have experienced this kind of treatment.

Daniel Ulrich has been prevented from entering Hong Kong twice: once flying from his home country of Switzerland for a Falun Gong demonstration against former Chinese president Jiang Zemin (江澤民) in 2002; and again this August, flying from Taiwan, where he has since settled with his family.

Ulrich was incredulous when he was turned away on Aug. 29. A professional photographer, he was visiting to pick up sensitive and costly equipment for his company from a Hong Kong supplier. Despite presenting evidence of his purchase to immigration officers, who then phoned the vendor, Ulrich was put back on a flight to Taipei.

"The Hong Kong police came," Ulrich said, describing what happened when he was standing at the immigration counter in August.

Ulrich said he told the officers he was being singled out because he practiced Falun Gong. "I told them Falun Gong is legal in Hong Kong and they said, 'Yes, Falun Gong is legal.'" Later, an officer told him he could enter Hong Kong to pick up the equipment in a month. Ulrich's trip fell during the window of time between the Olympics and Paralympics, which the officer hinted was the problem.

Fellow practitioner Leeshai Lemish, a US citizen, was blocked from entering Hong Kong on July 27, 12 days before the opening ceremonies of the 2008 Beijing Olympics. After visiting Taiwan on a research trip through Asia, Lemish went to Hong Kong to apply for a visa to another country.

"I was held for over two hours and put on a flight — taken to the airplane



door under full police escort — three hours after my arrival," he wrote in an e-mail. Lemish said he was taken to a room for questioning. "I was told this was a 'random inspection,' and everything was just part of 'standard procedures,'" he said. Later, officers told him he did not meet "Hong Kong immigration requirements." No one mentioned the Olympics or Falun Gong. But Lemish, who has been traveling as a translator and assistant to author Ethan Gutmann, who is researching the persecution of the Falun Gong, was apparently not welcome.

Fighting repatriation isn't easy, because of the difficulty of disproving the immigration agency's claims.

"The immigration authorities must make sure that their decision is in line with non-discrimination," Law said. "But the law gives wide discretion to authorities and does not require them to explain their reason for admission or non-admission."

Chu showed me photographs taken with a cellphone in Hong Kong International Airport apparently showing an incident involving her peers. In it, six men and women in dark blue uniforms accompany a low



stretcher bearing a person wrapped in a blanket and tied down with two thick straps. A female officer leans over the stretcher, while two officers steer it through the airport terminal.

Chu said the Falun Gong practitioners had not been aggressive and were perfectly capable of walking to the gate. She suspects the treatment is aimed at demeaning the practitioners.

Although Chu is pessimistic about the outcome of her case, she believes it is important to highlight the issue. "We want people to know," she said. "We are innocent people coming to attend legal events. We want the court to uphold justice, not only for Taiwanese but for Hong Kong."

As Chu prepared to travel to Hong Kong again in September for the court case, I asked whether she was nervous that she would be stopped by

immigration again. "No," she laughed. "They don't dare when I have a court notice entitling me to come to a hearing."

PHOTOS: COURTESY OF THERESA CHU, AFP AND HUANG CHI-YUAN/TAIPEI TIMES