

HOW BEIJING HAS PENETRATED AND COMPROMISED THE MOST CHERISHED INSTITUTIONS OF WESTERN DEMOCRACIES, INCLUDING MEDIA, EDUCATIONAL INSTITUTIONS, THE LEGAL SYSTEM, AND EVEN GOVERNMENT ITSELF: CANADA AS A CASE STUDY

I spent fourteen years directing litigation in the “courts” of China and for that reason the topics of my writings and public addresses usually focus on the fraudulent nature of the Chinese “judicial” system.

My only qualifications for the topic I address in this paper are the facts that:

- 1) I am a Canadian Citizen;
- 2) I have had a life-long interest in China; and
- 3) I have by chance gained some first hand appreciation of the extent to which Beijing has succeeded in corrupting democratic and legal processes in Canada.

It is not surprising that most Canadians today have a quite “rosy” view of China. The Beijing regime has been remarkably successful in penetrating every institution, entity, and level of government which contributes to the formation of China’s public image in Canada. I suspect that this statement accurately represents the current situation in virtually every western democracy, and for that reason I shall make occasional allusions to other countries, albeit focusing on Canada.

UNIVERSITIES

The word “university” is derived from “universal” and universities developed over the centuries as crucibles of controversy and debate, for the most part without limit. The underlying concept was that no subject is taboo, differing schools of thought and points of view should be allowed free range to contend with one another, and progress will flow from the persuasive power of superior ideas and concepts.

When I was a student at the University of British Columbia, I well remember checking the student newspaper every day for lists of speakers who would be holding forth in different lecture theaters on wonderfully diverse topics. Amongst them were protagonists of free love, Tibetan Buddhist Monks, leaders or Members of Parliament from all political parties (including the Communist Party of Canada), advocates for the legalization of narcotics, religious speakers, and advocates of social nudism. It was inconceivable in those days that any speaker would be barred from the campus. A speaker was required only to have a connection with the university, in the form of an invitation from either a student group or the faculty. The only principle on which all members of the university community agreed was that the barring of any speaker or any viewpoint would be utterly anathema to everything that made the hardware (lands and buildings) a university.

Like Rip Van Winkle, I was cut off from developments in my home country while spending two decades in China and Taiwan. Upon my return to Canada, the corruption and corrosion of the university as an institution, throughout the West, as a direct result of China’s

“cultural” subversion, shocked me to the core. I quickly discovered that western universities have been transformed from citadels of free speech to fearful clones of corporations, dependent upon private sources for funding. This has been the direct result, at least in Canada, of governments embracing the “privatization” movement. The goal is to lower taxes for business interests by drastically cutting back on public funding for education, health care, and other forms of social investment. So educational institutions at all levels have been encouraged to become “entrepreneurial” and raise their own funds. The private sources are of course diverse, but China has stepped into the breach in a very large way, with the Chinese Communist government cheerfully providing funds to Canadian universities to make up for the shortfall from Canadian governments. China also provides significant revenues to Canadian schools and universities by sending large numbers of Chinese students, who pay tuition inflated far beyond what Canadian students are charged.

It is difficult to exaggerate the dangers this situation holds for the sovereignty of western nations, and in particular for the integrity of educational institutions. Universities are by and large fearful of offending the Beijing thugocracy by allowing any free criticism of Beijing’s policies. Most are now practising self-censorship at the behest of their Beijing bankrollers. The large numbers of Chinese students on western campuses are manipulated by the Chinese Embassy or Consulate in every city with a university; students are organized by the Embassy and Consulate officials and mobilized for mass welcoming ceremonies every time a representative of the Chinese government visits. At present, there are some five hundred “Confucius Institutes” either up and running or being planned at universities all over the western world. The funding and promotion by the Chinese Communists of these allegedly cultural and scholarly institutes constitutes a thinly disguised but highly successful effort by Beijing to infiltrate, undercut, and influence the education and political policies of foreign governments and peoples.

The British Columbia Institute of Technology (BCIT) recently held inauguration ceremonies for the establishment of a “Confucius Institute”. BCIT is a government funded institution, supported by the taxpayers of British Columbia. The administration held a press conference on its publicly owned premises and then excluded correspondents for EpochTimes and Dajiyuan from the press conference. Why? BCIT had been handed, by the Chinese Consulate-General in Vancouver, a list of correspondents who should be barred. Was it in the interest of B.C. citizens that any correspondents should be excluded from a press conference on public property? Obviously not. But the BCIT officials followed orders, not orders from any Canadian government entity, but orders from the Beijing Government.

In 2004, in Sweden, I took part in seminars on “Human Rights in China” at Lund and Uppsala Universities. But my Swedish hosts informed me that the Universities of Stockholm and Goteborg had forbidden any such seminar on university premises. Apparently, the Chinese Embassy in Sweden makes large financial grants to the Chinese Studies departments at these universities and the administrations would not allow free discussion of human rights in China for fear of “biting the hand that feeds them”.

I was astounded at this and wondered aloud how these Swedish universities could continue to call themselves universities. I asked an American participant if he could imagine such a thing happening at a U.S. campus? He responded with, “What about Harvard? Or Princeton? Or....”, and went on to tell me that all these prestigious American universities had recently barred such seminars in the face of Chinese intimidation. Indeed, when Jiang Zemin had appeared as keynote speaker on the campus of Harvard University, he had demanded that all attendees who appeared to be Chinese should be checked for I.D. and none should be allowed into the lecture without an invitation from the Chinese Consulate. Disgracefully, Harvard allowed this infamous dictator to dictate to them, and thereby

they assisted him in curtailing free discussion at the university.

I was now deflated and, in a last feeble attempt to make my point, offered that I could not imagine anything like that happening at a Canadian university. But my American friend then informed me that the administration of York University in Toronto had in just the previous year prohibited a Chinese Human Rights seminar from being held on campus.

It all finally came full circle for me recently at my old Alma Mater, the University of British Columbia. I was attempting to find a research or teaching position at UBC for one of China's most courageous human rights lawyers, who had defended Falun Gong practitioners in China and who is for that reason now a Convention Refugee in Canada. UBC is one of Canada's largest centers for Chinese Studies, housing a very distinguished Department of Asian Studies, an Institute for East Asian Research, and an Asian Legal Research Institute. When I talked to the key person at UBC, I was told very frankly that the candidate's connection to Falun Gong would cause great difficulties. UBC, said the spokesman, had developed a very close relationship with China over a long period of time and would not want to upset Beijing by having its name associated in any way with Falun Gong.

Consider the incredible implications of this statement. There is any number of academic courses offered by UBC on Chinese History, Chinese Politics, Chinese Law, Chinese Religion, Chinese Anthropology, Chinese Literature. Irrespective of subjective opinion about Falun Gong beliefs, it is undeniable that Falun Gong is an important force in China today, with tens of millions of followers, and that it has had a huge impact on Chinese society and culture. Its influences are religious, political, social, and certainly historical. It is a phenomenon which cannot be ignored by any serious student of contemporary China. But apparently it is a forbidden subject for present day students of China at UBC. It must be carefully excised from contemporary historical and political sources used by UBC faculty. In short, UBC must practice self-censorship in order to satisfy the university's patrons in Beijing; the result pushes one of our most prestigious institutions of learning in the direction of the overt censorship, historical distortion and historical revision which is routine in Beijing's police state.

Our universities have largely become fearful clones of large corporations, dependent in part on Chinese funding (and Chinese visas for research and travel purposes); sadly, they appear entirely willing to collude with Beijing in the suppression of independent research and free speech for academics.

JUDICIAL INSTITUTIONS

Among the most outrageous fabrications by the former Liberal government of Canada were the twin claims that China was committed to reforming its legal system and implementing the Rule of Law, and that China is making steady and significant progress on human rights. All evidence demonstrates clearly that the Beijing regime is totally, absolutely, implacably, unalterably opposed to the Rule of Law in China, ever. I do not quarrel with the obvious fact that legislation has been churned out at an enormous rate and there is now a highly developed legislative framework in the country. But a plethora of legislation is by no means synonymous with the Rule of Law. In China's case, Rule of Law is totally prevented by the fact that the "courts" are nothing more than low level administrative organs of the Chinese Communist Party. "Judgements", for the most part are made by a back-room invisible committee of judges who do not attend the trials, have not heard any of the witnesses, and frequently have not read any of the evidence. There can be no Rule of Law for the very simple reason that almost all "judgements" in China are politically, rather than judicially,

driven. Implementation of the Rule of Law would by definition mean termination of the total power monopoly now exercised by the Communist Party. This is not a party about to commit an act of suicide; that is precisely what implementation by the Party of the Rule of Law would mean.

The former Liberal Government of Canada frequently claimed that Canada was playing a pivotal role in the (mythical) reform of the Chinese legal/judicial system by “helping China to implement the Rule of Law”. But the necessary condition for effective assistance is that the beneficiary of the assistance must share the same goals as the donor. Beijing has never had any intention of implementing the Rule of Law, and for that reason all pretenses of “assisting” the regime in that direction are farcical by definition.

The specific vehicle through which Canada has attempted to “help” Beijing reform the judicial system has been the Canadian International Development Agency (CIDA), specifically a CIDA program which trains Chinese judges in Canada. Unfortunately, training judges in jurisprudence and sending them back to a system in which Those who hear the case do not make the judgements, and those who make the judgements have not heard the case has absolutely no effect whatever on the Chinese judicial system. So long as the Chinese “courts” are in both theory and practice totally subordinate to the Chinese Communist Party, it will not make a particle of difference if every judge in China holds a Ph.D in Law from Osgoode Hall.

David Matas, the internationally distinguished human rights lawyer, has commented, in response to Liberal claims that Canada is helping to raise Chinese legal standards, that the only tangible result of the Sino-Canadian cooperation appears to be the lowering of Canadian legal standards to bring them closer to China’s. Recent events in Canada would seem to bear him out.

Tao Mi

The Chinese Government is seeking the return of a Chinese refugee applicant in Canada (Lai Changxing). Beijing has branded Mr. Lai the “biggest criminal in all Chinese history”, but there is reason to believe that Beijing’s real motives involve complicated political intrigue. In any event, from the time Lai turned up in Canada, the Liberal government went to work for Beijing and the Chinese police, and effectively mobilised all relevant Canadian government resources to serve the Chinese police. Representatives of Citizenship and Immigration Canada (CIC) were at all times in direct contact with the Chinese police and there is highly persuasive circumstantial evidence to indicate that CIC illegally leaked information to the Chinese police and other Chinese authorities on numerous occasions. CIC personnel made a number of trips to China where they videotaped statements from Chinese prisoners, in the presence of Chinese police and prison guards, but in the conspicuous absence of legal counsel for either the deponents or Mr. Lai. The Immigration and Refugee Board (IRB) panel members hearing the Lai application were happy to admit such evidence against Lai without comment.

But CIC went further. Through CIC, Canadian taxpayers expended more than US \$11,000,000 to pay for, inter alia, airfares and hotel bills incurred in bringing Chinese Gestapo officers and prosecutors to Canada as witnesses against Lai. These police and prosecutors introduced in evidence what was called by the Chinese witnesses and their colleagues in CIC “a mountain of evidence” against Mr. Lai. The evidence certainly was impressive in terms of its physical height and weight. However, for anyone with substantial knowledge of the Chinese police and “court” systems, the persuasive weight of this evidence, as opposed to its weight on the scale, was negligible. It consisted entirely of signed statements taken by the Chinese police (who routinely use torture in criminal investigations) from individuals in custody. These statements uniformly read like confessions from the Stalin Show Trials in the 1930’s. Any

competent and independent tribunal would have thrown these statements out because those adducing them could not possibly demonstrate that they were voluntary. On the contrary, it was obvious that they were not voluntary. However, the IRB panel's Reasons addressed this issue by noting that the police officers were asked if they had used physical coercion to obtain the statements and they replied that they had not! (In the face of claims that Chinese lack freedom of speech, assembly, and religion, the IRB would likely be completely reassured by Hu Jintao's statement that human rights are better protected in China than in Canada!). This child-like Alice in Wonderland assessment of the Chinese judicial system would be repeated throughout the several stages of Mr. Lai's hearings and appeals.

Tao Mi was one of the deponents whose evidence was adduced by the Chinese police against Mr. Lai. Months after the boundlessly credulous IRB panel had accepted her evidence at face value, Tao Mi sought me out at my Shanghai office and recanted the statement which had been entered in evidence against Mr. Lai. She told me that her statement was untrue and that she had signed it only after two months of torture at the hands of the Chinese police. She made her statement to me under the protection of formal and legal blanket undertakings from CIC that witnesses in China giving evidence for Lai would be granted the status of Protected Witnesses and their identities would never be disclosed to any Chinese authorities.

However, if Tao Mi's evidence of torture were accepted, then all the other statements against Lai would also have to be excluded and the case which had been mounted by the Chinese Communists and their colleagues in the Liberal Government, CIC, and IRB would collapse. The evidence of recantation had to be suppressed or discounted at any price. If the price was Tao Mi's life, that was a price CIC, the Canadian Government, and the IRB panel were all more than willing to pay.

Shortly after I presented Tao Mi's statement to the IRB panel, CIC turned it over to the Chinese Gestapo and had Tao Mi picked up by the Chinese police and brought to the Canadian Consulate-General in Shanghai. There, she was interrogated for several hours by a Canadian police officer, in the presence of a Chinese police officer. Asked in the presence of the Chinese police officer if she had met with a Canadian lawyer in Shanghai, guess what? She denied having met me (she had told me in our meeting that if the Chinese police found out she had talked with me, "I am dead!") It is unlikely that anyone else over the age of twelve would have taken Tao Mi's videotaped denial seriously. However, the willfully blind and obtuse members of the IRB panel accepted her statement without question and asserted that all they could conclude from my evidence was that "A woman, who may or may not have been Tao Mi, may or may not have come to Ansley's office, and may or may not have made the statements Ansley attributed to her." I had of course inspected Tao Mi's photo ID at the outset of our meeting, and I readily identified her in the videotape of her subsequent interrogation. My paralegal also attended the meeting with Tao Mi in my office and she also submitted a supporting affidavit. But CIC has maintained to this day that I cannot be sure that the woman who met with me was Tao Mi!

The Canadian police officer also betrayed two other Chinese "Protected Witnesses" on camera in the course of this interrogation and we therefore conclude that all the statements from Protected Witnesses were turned over to the Chinese police by their Canadian colleagues in CIC.

None of Tao Mi's friends or acquaintances who are known to us have ever seen or heard from her since the betrayal.

The breach of legal undertakings by CIC, which delivered Tao Mi into the hands of her previous torturers, has been publicized in Canada and is now playing a part in Mr. Lai's application for a Judicial Review by the Federal Court of Canada. But to date there has been

no result, little response, and no punishment of any CIC officials for their scandalous acts of treachery and betrayal.

Lai Changxing

This is the refugee case referred to above and an examination of it reveals a total corruption of the Immigration and Refugee Board (not in terms of outright financial bribery, but in that this quasi-judicial body, supposedly completely independent, was patently under the control of the Canadian government throughout and the panel members functioned as Liberal/CIC marionettes). The Canadian Government, in turn, had been bought and paid for by Beijing. In fourteen years of litigating in China, I had never seen a more outrageous and indefensible “judgement” emanate from a Chinese “court”. Evidence was misrepresented by the Board in its decision and, in some cases, statements of witnesses were manufactured by the panel members in writing their decision. Canadian rules of evidence were ignored. Statements clearly coerced through torture or intimidation were routinely admitted in evidence. Clearly unqualified witnesses were preferred over the most qualified, testimony from Chinese police and prosecutors was preferred over the evidence of expert witnesses with no interest in the case, and misrepresentations of evidence by the Board members deliberately implied disagreement between opposing expert witnesses, where in fact there was no significant discrepancy in their views.

Evidence from Wei Jingsheng was stated by the panel to carry no weight in assessing the Chinese judicial and prison systems because he had been out of China for several years. Instead, the panel preferred the evidence of a buffoon Canadian political science professor with zero qualifications relating to either the Chinese legal system or prison system.

MEDIA

The Chinese language print media in Canada is almost completely Beijing controlled. Some 70% of Chinese Canadians and immigrants are said to be unable to read English; as a result, all their news of the world, including Canadian news, is filtered through “news” media controlled by Beijing.

The mainstream English language media in Canada was almost totally uncritical of China (until the recent revelations on organ harvesting) and on many important events and movements in China, the Canadian English media simply lifts the “news” holus bolus from the Chinese Communist media in China. The Globe and Mail, Canada’s “national” newspaper, until very recently simply did not print anything deeply critical of the Chinese government, and its letters to the editor section was closed to certain critical and highly qualified individuals.

The Canadian Radio and Television Commission (CRTC) is currently considering an application on behalf of China Central Television (CCTV) and nine other subsidiary channels for Chinese language broadcasting rights in Canada. All these channels are directly subject to the control of the Central Propaganda Department of the Chinese Communist Party. Moreover, the Beijing government is on record as promoting these “cultural” forays abroad as part of a comprehensive “soft” penetration of foreign countries.

GOVERNMENT

The Chinese Embassy and Chinese Consulates across Canada have for years intervened directly into Canadian internal political matters at every level, and regularly breach the conditions

of their diplomatic status. On one occasion they physically assaulted a Canadian Member of Parliament in the Parliament building, apparently without a whimper from the Liberal Government, and they regularly assault and intimidate Canadian citizens of Chinese ancestry.

One former Liberal Government minister (David Emerson), questioned about possible adverse Chinese reaction to a new Canadian law responded, “Oh, we’ve checked with them and they’re OK with it!”

Two weeks before Hu Jintao’s visit to Canada, Canada deported Hu Xiaoping, a Falun Gong practitioner, to China. She had served time in a laogai camp for her Falun Gong activities before she came to Canada. Yet the Canadian authorities stated that she would not be at risk if returned to China. She disappeared immediately after arriving in China and would have been a likely subject for organ harvesting.

Two weeks later, at a joint conference with Hu, Prime Minister Paul Martin stated categorically that “Canada does not deport Falun Gong practitioners to China.” As he spoke, I was working on the second such deportation in two months!

Canadian China Policy was made in Beijing under the previous Liberal Government, and Canada (under the Liberals) simply took instructions. Metaphorically speaking, the Beijing regime had purchased and owned the majority of shares in the previous Canadian government; but the recent election brought a “crash in the stock market”. The Chinese shares in Paul Martin are now worthless and there is real hope that the new Conservative Government is not for sale to Beijing.

Beijing’s influence on and control over the Liberal Government was also achieved through close and unhealthy personal ties with Canada’s top leaders. Li Peng and Jiang Zemin were among the closest friends of both Jean Chretien and Paul Martin. Power Corporation has shaped Canadian China policy for the past forty years. Jean Chretien’s daughter is married to the CEO of Power Corporation. Paul Martin amassed huge wealth through ownership of Canada Steam Ship Lines (his sons now own it, so there is no conflict of interest!), which had originally been a division of Power Corporation. Recently CSL moved its international headquarters from New York to Shanghai and CSL builds its new vessels in China.

The result of all these ties to China was a Canadian Liberal Government which routinely lied to the Canadian people about the nature of the Beijing thugocracy and about the trends in China. It repeatedly claimed that through CIDA, Canada was helping China to implement the Rule of Law. The reality is that Beijing is fundamentally opposed to the Rule of Law ever being implemented in China.

The Canadian Liberal government repeatedly assured the Canadian people that China was making “great progress in human rights”, even as the Beijing government was systematically perpetrating a genocide reminiscent of that perpetrated by Adolf Hitler.

One can legitimately speak of the need for time and education when addressing human rights violations by lower level police and officials; but when the perpetrators of crimes against humanity are the very top leaders of government, it is ludicrous to speak of “progress” or “great strides”, as did Chretien and Martin. A government does not “make progress” against its own crimes, which are the direct result of policy decisions at the highest level. It either continues the crimes or it stops them.