



Australia-DPRK

Friendship & Cultural Society

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**President
Neil Fitzgerald**

**National Secretary
Raymond Ferguson**

13 September 2019

The Hon Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600

cc: Christian Porter
Attorney-General for Australia
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House of Representatives
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CANBERRA ACT 2600
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**Re: Open Letter to Prime Minister Scott Morrison Regarding the Imprisonment of
Chan Han Choi**

Dear Prime Minister Scott Morrison,

Late last month you pledged to “stand up” for an Australian citizen, Yang Hengjun who has been detained in China on suspicion of espionage. Moreover you strongly implied that Yang Hengjun’s human rights were being violated in China saying that: “I am concerned [about his treatment], and those concerns have been raised directly by the Foreign Minister on several occasions now.” You also said to China that, “we do expect Australia, and indeed all citizens, to have their human rights appropriately looked after.” Meanwhile, your minister for foreign affairs, Marise Payne has said that she is “very concerned” about Yang, claiming that: ““Dr Yang has been held in Beijing in harsh conditions without charge for more than seven months. Since that time, China has not explained the reasons for Dr Yang's detention, nor has it allowed him access to his lawyers or family visits.”

We do not here wish to comment on the case of Yang Hengjun, especially since the evidence in the case and the specific charges that he faces are not yet available and are to be released at a future date. However, we must point out that while you and your foreign minister have been quick to attack China over the detention of Yang Hengjun, right here in Australia, an Australian citizen and political prisoner Chan Han Choi has been imprisoned in far harsher conditions than Yang Hengjun. Chan Han Choi is a humanitarian who Australian authorities have imprisoned for his sympathy for - and efforts to aid the people of - the Democratic Peoples Republic of Korea (DPRK).

In contrast to Yang Hengjun who has been held by China's authorities for the last 7 or so months, Chan Han Choi, who has yet to be convicted of any offense, has been imprisoned for the last 21 months – three times as long as Yang Hengjun has. We note too that while Yang Hengjun spent the first six months that he was held in the comparatively comfortable conditions of house arrest (he was only moved to a detention facility in mid July), Choi has spent the entire 21 months imprisoned in harsh conditions in various Sydney jails. Choi has up to this time been denied bail even though his trial is not scheduled to take place until next year. We note the unfairness of him being held in detention since Choi has no criminal record and is not accused of any sort of crime against a victim; therefore he is no threat to the community if released. He is not accused of killing anyone, assaulting anyone, sexually assaulting anyone, stealing from anyone or otherwise defrauding anyone. He is also not alleged to have committed espionage unlike the accusations against Yang Hengjun. All he is accused of doing is trying to arrange alleged trade deals between entities in the DPRK and entities in third countries, which allegedly had they been actually carried out would have violated economic sanctions on the DPRK. Chan Han Choi is not accused of any crimes against a victim but has not been granted bail. Why this discrepancy? This can be answered by referring to the 9 July 2018, *Statement of Facts* on Choi's case, produced by the Australian Federal Police (AFP) where they claim, in relation to the matter of bail, that "as an economic agent of the DPRK [we note here that the word "agent" is used to make someone who is really just a trade representative sound sinister and covert], the AFP believes the Accused has no loyalty to Australia or his life here and will flee the jurisdiction if given the opportunity." This is blatant political discrimination and amounts to saying that an Australian citizen who works or volunteers as a trade representative for the DPRK should be held in greater suspicion and have less rights (in this case in relation to bail) than an Australian citizen employed in other work, including one who works or volunteers as a trade representative of another country. This argument of the AFP, which forms a core part of what has been used to keep Choi in custody prior to his trial, amounts to saying that all people are not equal before the law and the rights afforded to them depend on their political sympathies.

Now your foreign minister, Marise Payne has accused China's authorities of restricting Yang Hengjun's access to lawyers and family. However the restrictions that have been placed on access to Australian citizen detained in Australia, Chan Han Choi have been far harsher. Yang Hengjun has at least been allowed regular visits by Australian embassy officials and his court appointed lawyer. However, Chan Han Choi, following an initial visit from a lawyer soon after his arrest, underwent an approximately 50 day period when he was prevented from having visits from anyone at all – whether they be lawyers, family or friends. Following this period, his wife was finally able to visit. Yet she and his son have been subjected to such intimidating pressure by Australian authorities that she has been afraid to visit again. Meanwhile, friends and supporters trying to visit Choi have been subjected to not only a time-consuming and restrictive application and vetting process by NSW prison authorities but what seems very likely to be deliberate deception; all of which is aimed at blocking visits to Choi. Three friends of Choi who applied to visit him in early March 2018 (and who had each of their applications checked and proofs of identity approved by a Corrective Services NSW employee), were told on at least two occasions that their applications were being processed when one of their number inquired with the appropriate Corrective Services NSW entity about the status of their applications. However, when one of the applicants again inquired some seven weeks after the applications, they were told that

there was no record whatsoever in the system that any application was made by any of them! After the applicants then produced copies of their original applications, their applications were still stalled. They were finally only informed that their applications had been successful some four and a half to five months after their initial applications (one of the three was sent by post a letter confirming that his own application was successful some three weeks prior to this but a copy of the letter later sent by E-mail showed that it had been sent – deliberately? - to the wrong address!). As a result, even though Choi, unlike Yang Hengjun, is imprisoned in the country of his own citizenship and residence, he went through a five month period during the autumn and winter of 2018, where he was not able to have any visits from family and friends.

Meanwhile, Australian authorities have totally barred Chan Han Choi's only child, his adult son, from being able to visit his father in jail. This despite no charges having been laid against Choi's son. Moreover, AFP/ASIO had Choi's son sacked from a senior, skilled professional role at a reputed IT infrastructure company. The AFP told him that he would not be able to work in a professional role again. This is the classic guilt by association/family-ties rationale used by despotic regimes.

In order to break the spirit of political prisoner Chan Han Choi, NSW authorities have banned Choi (who speaks some English but is not fluent in it) from speaking in Korean with his wife, who does not speak English, in telephone calls. Previously prison officials would simply cut the phone call if either of them spoke in Korean. Then on 22 February of this year, prison intelligence officials threatened Choi that if he or anyone else he spoke with used Korean on the phone he would be sent to Goulburn Supermax (super maximum security) prison. As a result Choi has not spoken to his wife even by telephone for the last seven months.

The efforts of Australian authorities to isolate political prisoner Chan Han Choi continue to this day. After a brief period allowing him to call his friends, authorities have since late last year barred him from making any phone calls to his friends. Since then, the only person that he is able to telephone is his wife but since they are not able to speak in Korean this "right" is effectively useless.

Perhaps, most concerning is the way that Australian authorities have restricted Choi's access to his lawyers. Soon after coming into the matter, his current lawyers were able to visit him in September 2018. However, since then, and at the time of writing this letter, the authorities have repeatedly blocked or delayed visits from his lawyers saying that they – and/or the Korean-English interpreters essential for Choi to be able to understand complex legal concepts – first need security clearance. As a result, since that initial visit to Choi, Choi's lawyers have only been able to visit him twice in the last year and only one of those occasions was with an interpreter! The last time that Choi's lawyers were able to visit him was more than five months ago. Meanwhile since late 2018, prison authorities have totally blocked Choi from calling his own lawyers.

By contrast, when Choi was "represented" by a government-appointed lawyer in the autumn and winter of 2018, that lawyer had unrestricted visiting rights and was able to visit Choi some 15 to 20 times in that period. This lawyer sought to push Choi into pleading "Guilty" and engaged in negotiations with the prosecution to this end behind Choi's back. Moreover, against Choi's wishes, he refused to allow Choi to be part of Audio-Visual links to the court room during court mentions of Choi's case. As a result, Choi could not directly follow proceedings related to his own matter and moreover his face and voice was hidden from the media and public. It seems that this government appointed lawyer was happy to help authorities dehumanize this political prisoner – a 60 year-old working class man who

is immensely proud of his son, who worked as a hospital cleaner at the time of his arrest, had previously trained and worked as an engineer and is cultured and cosmopolitan in his outlook, loving Western classical music and Japanese food.

After Choi, through his supporters, was finally able to select his own lawyers, these current lawyers were at first granted visiting rights and Choi was at first able to telephone them. Yet soon after, when it became clear that these lawyers were really going to represent him and not necessarily push him into a "Guilty" plea, the Australian authorities changed their stance. They began blocking visits from these lawyers and their interpreters and cut off Choi's right to contact them by phone.

Despite all these violations of Chan Han Choi's most basic rights as a defendant and prisoner he has defiantly pleaded Not Guilty to all the charges that he faces. Meanwhile, support for this political prisoner both within Australia and internationally is growing. The reason that such support is mushrooming is that many people realise that even if the charges against Choi turn out to be true, he is not in the slightest a criminal from the standpoint of the interests of the overwhelming majority of people in Australia and the world. For these UN sanctions on the DPRK that he is accused of violating are profoundly unfair and have caused enormous suffering to her people. They restrict the imports of many vital goods including medical drugs, fuel and machinery. Meanwhile, by cutting off almost all of the DPRK's exports, they greatly impede her people's ability to have the hard currency needed to buy food and medicine. Even the UN's own agency, UNICEF, estimated that similar sanctions imposed on Iraq, during their first eight years of implementation from 1990 onwards, caused such an increase in infant and child deaths that it led to the deaths of 500,000 Iraqi children under the age of five. Only a small class of powerful people with vested interests in the destruction of countries like the DPRK would have their interests harmed by a person attempting to aid the DPRK in violation of these murderously, cruel sanctions.

Realising that support for Chan Han Choi is growing, Australia's authorities are going to great lengths to silence this political prisoner. Earlier this year, a journalist from a well-known international newspaper was prevented from having visiting rights to Choi. Meanwhile seven months ago, Corrective Services NSW intelligence officials threatened to send Choi to Goulburn Supermax prison should he speak to the media.

While you have been quick to as good as declare Yang Hengjun innocent of the crime that China's authorities suspect him of prior to actually seeing the evidence in the case, your predecessor Malcolm Turnbull as good as declared Chan Han Choi guilty in high-profile public statements related to his arrest in the hours after that arrest took place. Turnbull said, "I want to congratulate the Australian Federal Police for their investigative work and this is a very, very important arrest" and that, "It is important for people to know, if they are assisting or thinking of assisting the North Korean regime in sanctions busting, the AFP will find you." In basically pronouncing Choi guilty, Turnbull then went on to hype up the seriousness of the case by outrageously claiming that, "these are very serious matters. North Korea is a dangerous, reckless criminal regime threatening the peace of the region" and that "It supports itself by breaching UN sanctions." That the highest political officer of this country has made such prejudicial statements about Choi and his alleged "crime" ensures that there can be no jury who could fairly adjudicate on his case when Choi faces his trial before a jury. When one adds the blatant prejudice that Australian and NSW authorities have shown Choi in denying him bail, blocking access to his lawyers, restricting communication with his family, obstructing visits from his friends, isolating him from the

media etc, it is obvious that there is no way that political prisoner Chan Han Choi could have a fair trial.

We demand that the persecution of political prisoner Chan Han Choi cease immediately, that he be freed immediately from custody and that all charges against him be dropped.

Sincerely,

Raymond Ferguson,
National Secretary
Australia-DPRK Friendship and Cultural Society