

TAO MI

BY CLIVE M. ANSLEY

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July 25, 2003
Vancouver, B.C.

The Honourable Denis Coderre,
Minister of Immigration
House of Commons
Ottawa, Ontario

Dear Mr. Minister:

RE: The Betrayal of Tao Mi by Citizenship & Immigration Canada

I am a Canadian lawyer, newly returned to Canada after 19 years living and working in China and Taiwan. My China practice included directing litigation in Chinese courts for a total of 14 years, during which time I was resident in Shanghai.

Early in 2001 I accepted a request from counsel for Mr. Lai Changxing to provide expert evidence to the panel hearing Mr. Lai's application for refugee status in Canada. Because I was then living in China and because the repressive nature of the Chinese government and legal system (something recognized around the world but which has apparently never come to the attention of employees of your Ministry) caused me to anticipate serious retribution against me by the authorities in China if my comments were publicly released, I gave my evidence *in camera*.

Not only was the courtroom cleared when I gave my evidence, but no record of that evidence and no reference to it in any other documents or transcripts relating to the hearing was released in public. Moreover, the representatives of your Ministry who were handling this matter provided formal undertaking that there would be no disclosure of the identities of any Protected Witnesses to any Chinese authorities.

The people who gave these assurances on behalf of your Ministry decided at a later date to breach those undertakings, without regard to the dangers to which the betrayed witnesses would be exposed in China.

They divulged my identity to the Chinese police. However, the breach of your Ministry's undertaking, insofar as it relates to me, had limited implications. Because of my Canadian nationality, the Chinese authorities could do nothing more to me than revoke my licence as a foreign lawyer, cancel my visa, and expel me from the country. The threat to other Protected Witnesses who are Chinese nationals is far more sinister.

A substantial number of Chinese nationals in China agreed to give evidence in support of Mr. Lai's application, but only if they had clear guarantees from your Ministry, provided to the Canadian tribunal, that their identities would under no circumstances be disclosed to anyone in any way representing the Chinese government and would not otherwise be made public. Your Ministry's representatives tendered those formal undertakings to the panel hearing Mr. Lai's applications in Vancouver.

Subsequently the Chinese witnesses provided their evidence to me in Shanghai and I passed it on to the Immigration and Refugee Appeal Board. Every one of these

witnesses expressed great fear to me when providing their evidence. They asked me repeatedly if I were absolutely positive that the Chinese police would not know of their testimony. I assured all these people that the ethical, moral, and legal standards of the Canadian government and all the representatives who would be involved in this case were beyond question and that there would be no possibility that any Canadian government personnel would betray them.

I did caution them that I could nevertheless not guarantee that information could not somehow be leaked; but I constantly assured them that no Canadian official would breach his undertaking of secrecy.

You are now aware of the unconscionable betrayal of Tao Mi by your representatives in Vancouver. We know that these same employees of yours also breached their undertakings by providing the identities of other protected witnesses to the Chinese authorities. I have reason to believe that they may in fact have turned over the names of all the Chinese protected witnesses in this case to the Chinese police. I hope that I am wrong, but I very much fear that I am not.

My fear is based on two things. First, if they were prepared to give Tao Mi up to the Chinese police then I must anticipate the possibility that they gave up the names of all the others. Second, I know from my own independent sources that at least some others who came forward with statements are now under 24 hour surveillance by the Chinese police. For reasons you will appreciate, I am not at this stage about to share my sources with you.

I wish to turn now to the matter of Tao Mi. I shall not repeat what you already know. Suffice to say that this lady had given a statement to Chinese police much earlier and that statement had been tendered against Mr. Lai at his hearing. On November 1, 2001 she came to my office in Shanghai and stated that her earlier statement had been given under extreme duress and cruel treatment at the hands of the Chinese police. More important, she informed me that the previous statement was untrue in material aspects.

Like the earlier witnesses who had provided evidence through me, Tao Mi was very fearful. She said that she couldn't live with her conscience if she did not set the record straight, but that "If the police find out, I am dead!" I told her that there was no possibility the Canadians would breach their undertakings and that her evidence would be protected. I said that notwithstanding the fact that CIC and the Canadian government were opposing Mr. Lai's application, all Canadian government and Immigration representatives were honourable people and that their undertakings were legally enforceable.

I provided her statement, together with my own affidavit to Mr. Lai's counsel. He tendered it under the protection of the existing undertakings protecting witnesses in China.

There are no words in the English language which could properly express the shock, horror, and outrage I felt when I discovered that your representatives had consciously and with malice aforethought breached their formal undertakings, provided Tao Mi's

name to the Chinese police, and even had her picked up by the Chinese police for interrogation by an RCMP officer.

I wish I had videotaped for you the reactions of other Chinese witnesses when I informed them that your Ministry had given Tao Mi up to the Chinese police. This news was greeted with tears and wails of disbelief. They said to me, "This can't be true; these are the Canadians, not the Chinese. The Canadians wouldn't do such a thing!" I had no answer.

The only thing now which allows me to remain a proud Canadian is the knowledge that virtually all Canadian citizens will deplore this scurrilous, unconscionable and indefensible act of treachery by the Vancouver representatives of your Ministry.

The Chinese witnesses were right about one thing. Canada is a decent country; it is not a police state, as China unfortunately still is despite many reforms, and I am sure that Canadians will not knowingly tolerate the perpetration of such acts in their name.

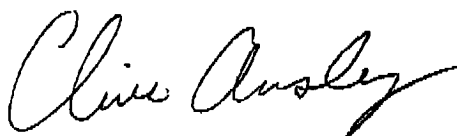
I believed absolutely in the integrity of the Canadian government, your Ministry, and those of your representatives who provided the undertakings protecting Tao Mi. I passed that belief on to the Chinese witnesses, including Tao Mi. Because of my misplaced faith in the integrity, humanity, and fundamental honesty of your Vancouver representatives, Tao Mi has been sacrificed and the liberty of a significant number of other Chinese nationals is now in jeopardy.

As a Canadian citizen, and specifically as the particular Canadian citizen whose misplaced faith in representatives of your Ministry has brought tragedy to innocent and courageous Chinese citizens, I now formally demand that you carry out a full scale investigation of this matter and see that the individuals responsible are punished.

But more important, I demand that your Ministry and the Canadian Government seek and implement advice on measures which might be taken at this late date to minimize the impact of this treachery on the Chinese citizens affected. I believe that you, the Government of Canada, and all Canadians bear a heavy responsibility to Tao Mi and the others for what was done to them in our name.

It is imperative that this issue not be allowed to die and that the Chinese government be put on notice that Canada is watching and wants regular contact with/news of at least those witnesses we know have already been betrayed.

Sincerely,

A handwritten signature in black ink, appearing to read "Clive Ansley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clive Ansley

ORIGINAL

AFFIDAVIT

This is the Affidavit of Clive Malcolm Ansley, declared the 22nd day of May, 2006, at the City of Courtenay, in the Province of British Columbia, Canada.

I, Clive Malcolm Ansley, of 211C – 750 Comox Road, in the City of Courtenay, in the Province of British Columbia, Canada, Barrister & Solicitor, knowing that this Affidavit shall have the same force and effect as if given as evidence in a Court of Law, hereby **AFFIRM THAT:**

- 1) I am a native and citizen of Canada.
- 2) I am 64 years of age.
- 3) I am a member in good standing of the Law Society of British Columbia.
- 4) I have been actively involved with China and Sino-Canadian relations for more than forty years.
- 5) I speak and read Chinese.
- 6) I opened the first foreign law office in Shanghai in 1984 for the Canadian law firm of Bull, Housser & Tupper ("BHT") and managed that office until 1989. In early 1989 I moved to the Hong Kong office of BHT and in late 1989 moved to Taipei as resident partner of the BHT office there. In 1994 I re-opened an office for BHT in Shanghai and managed that office until February of 2001. From May of 2001 until April of 2003, I worked in the Shanghai office of the London firm, Holman Fenwick & Willan.
- 7) I served two terms as President of the Canadian Business Forum in Shanghai and the Canada China Business Council, Shanghai Chapter (2001 and 1998). The name of the organization was changed from Canadian Business Forum to Canada China Business Council in 2001.
- 8) I served as Vice President of the Canadian Business Forum in Shanghai in 1999, as Secretary of that organization in 1997, and as a director in 1996.
- 9) I now practise with my own firm in Courtenay, British Columbia (Ansley & Company). I continue to represent western clients who are investing in or trading with China, but now focus mostly on issues relating to human rights abuses by the Chinese Government.
- 10) I am the China Country Monitor for Lawyers' Rights Watch Canada.
- 11) I have provided written and/or *viva voce* evidence as an expert witness on the Chinese legal system to a number of foreign courts and tribunals, including the Immigration and

Refugee Board of Canada on several occasions, the English Commercial Court, the Supreme Court of Hong Kong, the High Court of New Zealand, and the United States District Court, District of Columbia.

- 12) I have provided expert evidence for the Home Office of Great Britain in the case of Hua JIN, a Falun Gong practitioner then facing deportation from the U.K.
- 13) In 1998, I gave a top secret presentation to key members of the Canadian Department of Foreign Affairs and International Trade on the workings of the Chinese court system, in the only secure room of the Canadian Embassy in Beijing.
- 14) In June of 2000, at the invitation of the Canadian Ambassador in Beijing, I gave a presentation on the current state of the Chinese legal system to Madame Justice Beverley MacLachlin, Chief Justice of Canada, and several other justices of the Supreme Court of Canada.
- 15) In February of 2001, I gave a presentation at the invitation of the Canadian Consul-General in Shanghai to the Team Canada delegation led by the Right Honourable Jean Chretien, then Prime Minister of Canada. This presentation addressed the issue of "Dispute Resolution in China".
- 16) On May 9th, 2004 I gave an address in the Parliament of Denmark on the topic "The Abuse of Human Rights in China".
- 17) On May 11th, 2004 I gave an address in the Parliament of Sweden on the topic "A Chinese Court is not a Court".
- 18) On May 25th, 2004 I gave an address in the Parliament of Norway on the topic "The Chinese Judicial System and its Role in the Illegal Detention, Torture, and Murder of Falun Gong Members".
- 19) On May 16th, 2006 I addressed the Berlin Conference on Democratic Movements in China/Asia on the topic of Chinese impacts on the basic institutions of Western democracies.
- 20) I declare under the penalty of perjury that the contents of this Affidavit are true and correct to the best of my knowledge, information, and belief.
- 21) Given the gravity of this matter, I further invite the representatives of Citizenship and Immigration Canada (CIC) and the Immigration and Refugee (IRB) panel members, who prevented me from testifying about the Tao Mi matter, to lodge a formal complaint against me with the Law Society of British Columbia in the event that any part of this, my affidavit, should be untrue.
- 22) In the event that any part of this affidavit, or of the affidavit I tendered to the Immigration and Refugee Board in late 2001, should be untrue I would fully expect the Law Society of British Columbia to bring disbarment proceedings against me.

- 23) On or about November 1st, 2001, Ms. Tao Mi met with me in my office in Shanghai. Ms. Tao had arranged this meeting through a prior telephone call to my office.
- 24) Ms. Tao Mi was a former employee of the **Yuan Hua** company headed by Mr. Lai Changxing.
- 25) A purported statement by Tao Mi to the Chinese police had earlier been tendered in evidence against Mr. Lai Changxing in the course of the hearing of his application for refugee status. In this statement, Ms. Tao Mi purportedly says, *inter alia*, that while in the employ of Yuan Hua Company, she personally viewed documents which she recognized as manifests for smuggled cigarettes.
- 26) In the course of her visit to my office on or about November 1, 2001, Tao Mi stated to me that the statement she had earlier signed for the Chinese police, and which had been tendered against Lai Changxing at the hearing in Canada, had been false. Ms. Tao informed me that she had been subjected to torture for two months before signing the statement against Mr. Lai. She said that she finally rationalised signing the statement on the basis that the Lai's were in Canada and hopefully beyond the reach of the Chinese authorities, while she was still in the custody of the Chinese police and suffering on a daily basis.
- 27) Ms. Tao stated in effect (at this late date I cannot be sure of her precise words) that she finally said to her Chinese police tormentors "All right, if you say these documents are manifests for smuggled cigarettes, then they are manifests for smuggled cigarettes."
- 28) Tao Mi had apparently been informed, before attending at my offices, of the undertakings which had earlier been given by CIC representatives to protect all Chinese witnesses resident in China who would give evidence on behalf of Lai Changxing before the Immigration and Refugee Board. These undertakings, by both CIC legal counsel and CIC case officers, promised that all such witnesses would be given the status of Protected Witnesses and that their identities would never, under any circumstances, be revealed to any Chinese authorities. A number of Chinese witnesses had earlier executed affidavits in support of Lai Changxing under the protection of these undertakings and Tao Mi was aware of this because she knew some of the previous affiants.
- 29) Throughout her meeting with me on or about November 1st, 2001 Tao Mi repeatedly asked me for assurance that her recantation of her earlier statement would be tendered under the protection of the same undertakings that had protected the earlier affiants. I assured her that this would be the case and that she need not worry.
- 30) Tao Mi was visibly frightened throughout and several times repeated the statement that "If the Chinese police find out I have talked to you, I am dead."
- 31) In my earlier affidavit tendered to the Immigration and Refugee panel hearing Lai Changxing's Refugee Application, I fully set out the reasons why the draft affidavit of

Tao Mi tendered with my affidavit was unsigned and unaffirmed by Tao Mi. I stand by the contents of my earlier affidavit and will not re-canvass that issue now.

- 32) Mr. David Matas, counsel for Mr. Lai, submitted my draft of Tao Mi's affidavit, my own affidavit, and the affidavit of Ma Min to the IRB in the first week of November, 2001 and made clear that these documents were being submitted under the protection of the undertakings which had covered all the earlier affidavits from Chinese nationals in China.
- 33) Counsel and case handlers for CIC argued that all three of these documents should be rejected by the IRB panel as inadmissible.
- 34) David Matas noted that I was waiting outside the courtroom and was available for cross examination on the documents, which would be of great assistance in ascertaining their admissibility.
- 35) Counsel and case handlers for CIC declined to cross examine me and suggested that the issue of admissibility be put aside temporarily while they explored another avenue. They indicated that they would file a complaint against me with the Law Society of British Columbia on the basis that I had committed a breach of solicitor/client confidentiality by passing on Tao Mi's statements to CIC and the IRB panel.
- 36) Tao Mi was of course not my client and I was passing on her statements only on the basis that she had walked into my office to make a statement and had asked me to submit that statement to the IRB panel.
- 37) It was patently clear that CIC never had any intention of lodging a complaint against me with the Law Society, but was simply using a ruse to buy time for a quite different plan of action.
- 38) Having temporarily shelved the admissibility issue, counsel for CIC contacted the Chinese police, arranged to have Tao Mi brought to the Canadian Consulate-General in Shanghai, and there interrogated for several hours by a Canadian RCMP officer in the presence of a State Security police officer (China's "Secret Police"). This interview was videotaped and subsequently accepted in evidence by the IRB panel.
- 39) In the course of this videotaped interrogation, CIC further violated its formal legal undertakings with respect to Protected Witnesses by divulging, in the presence of the Chinese police officer, the identities of two other Protected Witnesses who had given evidence to the tribunal under the protection of the CIC undertakings.
- 40) I myself was one of the Protected Witnesses betrayed on this occasion by the CIC breach of undertaking.
- 41) I believe that all parties to this proceeding understand the crucial importance surrounding the genuineness of Tao Mi's statement.

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- 42) If I, as a member of the Law Society of British Columbia and an officer of the court, forged this statement by Tao Mi or falsified any part of it, then I should be disbarred.
- 43) If there is any doubt about whether the woman who came to my office on or about November, 2001 was really Tao Mi, then presumably this draft statement, my affidavit, and the affidavit of Ma Min should not be given any weight.
- 44) However, if the woman who attended at my Shanghai offices was indeed Tao Mi and if she did indeed make the statements contained in the draft affidavit which I tendered to the IRB panel, then two conclusions directly follow:
- a) Her earlier statement concerning the alleged "smuggled cigarette manifests" should be inadmissible on the ground that it is manifestly involuntary; and
 - b) Most (perhaps all) the other evidence in the same form, *i.e.* signed statements given by detainees to the Chinese police, should also be rejected because there is every reason to assume that the same methods were used to extract statements from the other deponents as were used to coerce the statement from Tao Mi.
- 45) I am instructed that the PRRA decision against Mr. Lai Changxing, handed down on May 16th, 2006, was based at least partly on the PRRA adjudicator's conclusion that *"It appears that neither Ansley nor Ma Min can testify as to the identity of the person they interviewed on 29 October 2001."*
- 46) I cannot know whether the PRRA adjudicator deliberately misrepresented the facts surrounding this issue, or whether he was simply negligent in his review of the transcripts and the IRB "REASONS", and so I draw no conclusion concerning the reason for the PRRA adjudicator's misstatement.
- 47) However, as a matter of objective fact, the adjudicator's statement that I was unable to testify about Tao Mi's identity is absolutely and demonstrably incorrect, unless he refers to the fact that I was prevented from testifying on the matter by the IRB panel and CIC counsel.
- 48) The fact is, as set out in Paragraphs 35 through 37 *ante*, that I had been made available for cross-examination on the documents I tendered, at the time I tendered them, and that both the IRB panel and CIC counsel ensured that I did not appear before the tribunal and that I therefore had no opportunity to testify about any issue arising out of Tao Mi's draft statement or the accompanying affidavits of Ma Min and me.
- 49) The only way the PRRA adjudicator's statement that I "was unable to testify on identify" can be read sensibly is to understand that I was consciously prevented from testifying by the IRB panel and by counsel for CIC.
- 50) CIC counsel in later argument about the admissibility of these documents questioned whether I had ever ascertained that the woman who visited my office in Shanghai was indeed Tao Mi. In its "REASONS", the IRB panel later ridiculed the three affidavits

supporting the Tao Mi statement, essentially accepting and amplifying the CIC argument that I had never established the fact that the woman who attended my office was in fact Tao Mi.

- 51) I have drafted this deposition while situated in Europe and without benefit of review of the IRB "REASONS" in this case. But to the best of my memory, the statement of the panel was (after asserting that the panel attached little or no weight to the whole issue of Tao Mi's statement) that the only facts which could be demonstrated were to the effect that "a woman, who may or may not have been Tao Mi, may or may not have visited Clive Ansley and made a statement to him, which statement may or may not have been accurately set out in the form of affidavit drafted by Clive Ansley." Moreover the panel further points out that Tao Mi herself, in the videotaped interrogation by RCMP officer Colin Walker, denied having met with or made a statement to any Canadian lawyer.
- 52) I was not surprised in the slightest when I heard and saw Tao Mi deny during her interrogation by Constable Colin Walker that she had ever met with me.
- 53) In fact, I would have been absolutely astounded had she admitted to her meeting with me, given the presence of a Chinese police officer. She herself had said to me repeatedly that "If the Chinese police find out I talked to you, I am dead."
- 54) If I have correctly understood the inference of the panel, their conclusion was that a Canadian lawyer with an impeccable twenty year practice record devoid of any disciplinary actions whatsoever, had for inexplicable reasons risked disbarment by forging an affidavit and fabricating details of a meeting which never took place, all on behalf of a client whom the lawyer did not know and involving a deponent whom the lawyer also did not know.
- 55) Had I been allowed to give evidence about the Tao Mi statement before the tribunal, and been subjected to cross examination, not only *could* I have testified about the issue of identity, but I *would* have truthfully testified that I checked Tao Mi's identity as the first order of business at the very outset of my meeting with her.
- 56) All citizens of China are required to carry with them a standard form government-issued Personal Identity Card, which bears, *inter alia*, both their name and their photograph.
- 57) At no time until now have I ever been given the opportunity to testify about or answer questions pertaining to this identity issue.
- 58) I therefore now take this opportunity (again noting that I understand my accountability for the truth of my evidence to be precisely the same as if I had given this evidence under oath in a court of law), to provide the evidence on Tao Mi's identification which CIC and the IRB panel did not afford me the opportunity to tender in the past.

59) ***Before beginning the interview with Tao Mi in my Shanghai office, I asked her to produce her Identity Card and she did so. She was clearly the person whose photograph and name appeared on the card.***

60) In summary:

- a) The issue of whether I had properly identified Tao Mi at the time of my meeting with her could not be determined by an examination of her draft affidavit, or my affidavit, or that of Ma Min. It was impossible to conclude from the documents themselves either that Tao Mi had been identified or that she had not been identified.
- b) CIC raised the question of whether I had in fact properly identified Tao Mi.
- c) The proper procedure at that point would have been to subject me to cross examination on the point and adduce my evidence. But I was not afforded the opportunity to testify on this point.
- d) When a witness is offered for cross examination, it is not open to an opposite party who declines the opportunity for cross to then draw negative inferences in the absence of any evidence whatsoever.
- e) But in this case, CIC clearly wished to establish that I had not properly identified Tao Mi, could have put that question to me, but avoided the danger of receiving an unwanted answer and then simply argued that I had not identified her.
- f) In the "REASONS", the panel accepted CIC's groundless argument, and essentially concluded that I had not conducted the identification, notwithstanding that neither they nor CIC had ever put the question to me.

61) Beyond the fact that I could have testified at the time, had I been allowed to do so, and established that I had indeed identified Tao Mi, there was another opportunity for me to clearly establish that the woman in the videotape was the same Tao Mi who had earlier met with me in my Shanghai office.

62) Although the panel had finished hearing witnesses and accepting documents after November 1st, it did in fact some time later admit the Tao Mi videotape as evidence for the argument that Tao Mi had never met with me.

63) The breach of undertaking by CIC and simultaneous betrayal of Tao Mi to the Chinese police was undertaken surreptitiously and in contravention of all relevant Canadian procedures. Counsel for Lai Changxing was not apprised of the plot, was given no notice of any plan to contact Tao Mi, and consequently had no opportunity to be present at the interrogation (to be fair, I expect CIC realised that out of concern for Tao Mi's life, Mr. Matas would have objected and moved to block the entire exercise, rather than simply requesting a place at the table).

64) In any event, since the betrayal and breaches by CIC were new developments which occurred subsequent to the IRB terminating the acceptance of evidence, it would have

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been both possible and proper for the IRB panel to contact me and allow me to respond to the videotape. But once more I was denied the opportunity.

65) Had I been asked whether the woman interrogated on the videotape, clearly identified as Tao Mi, was the same person with whom I had met in my office, I would have truthfully testified that I recognized her in an instant and that the Tao Mi in my office and the Tao Mi on the videotape were one and the same.

66) The statement in the subject PRRA decision to the effect that I could not testify as to Tao Mi's identity exacerbates and perpetuates a long series of misstatements and erroneous conclusions on this issue by CIC and the IRB panel members.

Affirmed before me at the City)

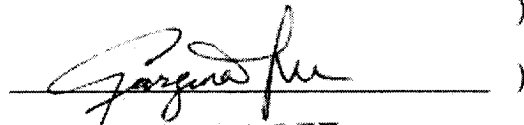
Of Courtenay, British Columbia)

This 22nd day of May 2006)

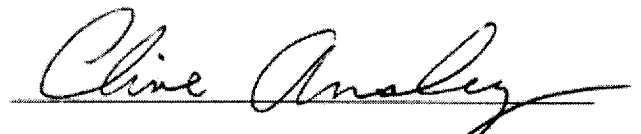
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GEORGINA LEE
Barrister & Solicitor
211C - 750 Comox Road
Courtenay, BC V9N 3P6
Telephone (250) 897-1000



Clive M. Ansley

AFFIDAVIT

This is the affidavit of MA Min, affirmed on the 18th day of May in the year 2006 at the City of Courtenay, British Columbia, Canada.

I, MA Min, of 211C – 750 Comox Road, in the City of Courtenay, in the Province of British Columbia, Canada, female Legal Assistant, knowing that this Affidavit shall have the same force and effect as if given as evidence in a Court of Law, hereby AFFIRM AND SAY THAT:

1. I am a native and citizen of the People's Republic of China;
2. I am 34 years of age;
3. I speak both Mandarin Chinese and English;
4. I work at Ansley & Company in Courtenay as the legal assistant of Clive Ansley;
5. I have been working with Clive Ansley for over eight years since 1998;
6. Clive Ansley is currently not in Canada, and is not able to provide an affidavit;
7. I re-affirm the entire contents of my earlier affidavits, originally affirmed on November 1st, 2001 and April 20th, 2002 respectively;
8. I confirm that Clive Ansley asked for an identification document from the Chinese woman at the beginning of the interview on 29th October, 2001. Both Clive Ansley and I confirmed at the time that she was the person whose photo appeared on the Identification Card bearing her name;
9. I confirm that the name shown on the Identification Card was Tao Mi;
10. I confirm that the personal identification card produced to us by Tao Mi was the standard form identity card carried by all citizens of China;
11. I also confirm that it was Mr. Ansley's standard practice to always inspect a deponents identification when taking sworn or affirmed statements;
12. I further confirm that, together with Mr. Ansley, I have viewed the entire video-taped interview with Tao Mi conducted at the Canadian Consulate General in Shanghai by RCMP officer Colin Walker, in the presence of a female Chinese state security police officer;
13. The video tape is absolutely clear and Tao Mi's face is shown clearly. Both Mr. Ansley and I instantly recognized her as the woman who had appeared in



our office and given a statement to us. There is no doubt whatsoever that the woman in the video tape is the same person who appeared in our office;

14. Neither Mr. Ansley nor I was at all surprised that Tao Mi denied in the video tape having met with us or made any statement to us; In fact, we would have been astounded, had she not made such a denial in the circumstances;

15. I confirm that nobody has ever asked me to provide this information;

16. I would have provided this information if I am ever been asked.

Affirmed before me at the City)
Of Courtenay, British Columbia)
This 19th day of May 2006)



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Smuggling-case witness was tortured, trial told

By ROD MICKLEBURGH
Tuesday, July 15, 2003 - Page A6☒ E-mail this Article

Print this Article

VANCOUVER -- A witness in the high-profile Lai Changxing smuggling case who complained she was tortured by Chinese investigators was later questioned by Canadian immigration officials in the presence of a Chinese security agent, a federal court hearing was told yesterday.

The interrogation of witness Tao Mi took place at the Canadian consulate in Shanghai. She was brought to the consulate by the Chinese security agent and questioned without being informed of her right to a lawyer. Nor were lawyers defending Mr. Lai told of the incident until after it happened, his lawyer David Matas told the court.

"The very people she said had been torturing her sat in on the interview. This was unacceptable behaviour" by Canadian immigration officials, he said.

Outside the courtroom, Mr. Matas said that immigration officials must have told Chinese security personnel about Ms. Tao's charges because they escorted her to the Canadian consulate for questioning. "Her confidentiality was breached, and now she's disappeared."

He said Ms. Tao was a former secretary to the wife of Lai Changxing, who is fighting China's attempt to have him extradited from Canada to face charges of heading a smuggling ring.

After lengthy interrogation by Chinese investigators, she implicated Mr. Lai's wife in the scheme. Later, she went to the Shanghai offices of Canadian lawyer Clive Ansley and recanted her evidence.

"She said she was held in a hotel for more than two months by police. She was not allowed to contact anyone," Mr. Matas recounted.

Mr. Ansley's affidavit attesting to her statement was submitted at Mr. Lai's refugee hearing but not made public because of fears Ms. Tao might be in trouble with Chinese authorities if she was known to have recanted.

Under questioning by Clive Walker of Immigration Canada at the consulate in Shanghai with a Chinese police agent present, however, Ms. Tao said she had been treated well by investigators.

Mr. Matas said the "Chinese water torture" technique of interrogating criminal suspects or witnesses to exact confessions and statements is a common feature of China's justice system and makes it difficult to take alleged evidence against Mr. Lai at face value. "Obviously, if this kind of thing happened to her [Ms. Tao], it happened to all of them [suspects in the Lai case]." Disclosure of the incident involving Ms. Tao came on the first day of Mr. Lai's bid to overturn a refugee board decision rejecting his claim for refugee status in Canada.

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Once upon a time, somewhere in North America, there lived a boy whose parents were so poor that he only got to see The Matrix once. Ron Charach.

Lai witness put at risk in China, critics say

Woman disappears after RCMP session

By ROD MICKLEBURGH

Wednesday, July 16, 2003 - Page A7

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VANCOUVER -- MP

Svend Robinson

demanded to know

yesterday why Canadian

officials in Shanghai

allowed a Chinese

security officer to sit in on

their interview with a

woman who complained

of being threatened and

intimidated by Chinese

investigators in the Lai

Changxing smuggling

case.

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"It clearly raises very troubling questions about the conduct of Canadian officials in China, and I intend to follow the matter up directly with [Foreign Affairs Minister Bill Graham]," he said.

The British Columbia MP said he was further troubled by allegations that Canadian officials may have told Chinese authorities about the woman's complaints, despite an undertaking to keep them confidential.

The woman, who said she feared for her life if Chinese police found out about her allegations, has since disappeared. "If, in fact, Canadian officials did blow her cover, then they could be responsible for very serious consequences," Mr. Robinson said.

The controversy over the extent of Canada's co-operation with Chinese authorities in seeking Mr. Lai's deportation to face trial in China has dominated the first two days of his Federal Court fight to stay in Canada.

Even presiding judge Andrew MacKay expressed concern over

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Canada's handling of the interview, which was conducted by an RCMP officer at the Canadian consulate in Shanghai.

The woman, Tao Mi, was taken to the consulate by a member of China's Public Security Bureau, who also sat in on her questioning by the RCMP.

Judge MacKay told Immigration Canada lawyer Esta Resnick that he hopes she will explain the incident during her presentation to the court later this week. "It seems, on the face of it, extraordinary," he said.

Mr. Lai is accused by Chinese authorities of running the largest smuggling and bribery network in the country since 1949. He fled China in 1999 and now lives in Mr. Robinson's Burnaby constituency.

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The onetime billionaire insists he is being framed by political enemies and scapegoated by Chinese leaders anxious to show they are cracking down on the country's widespread corruption.

Lawyers for Mr. Lai argue that almost all the alleged evidence against him comes from confessions by former associates and friends after long periods of incarceration and torture.

Tao Mi, the woman at the centre of the controversy, implicated Mr. Lai's wife in the alleged smuggling ring.

Later, however, she decided to recant her evidence and gave a statement to her Shanghai-based Canadian lawyer, Clive Ansley.

According to Mr. Ansley, she told him that Chinese investigators detained her for more than two months, refused to let her family know where she was, handcuffed her to chairs, kept her under surveillance around the clock and threatened her with 10 years in jail.

"I was too frightened to insist on telling only what I knew to be true at that time, and to resist agreeing with some of the things they insisted were true," she told Mr. Ansley, according to his notes, which were submitted during Mr. Lai's refugee hearing.

She also told the Canadian lawyer: "If the police or investigators discover that I have signed such an affidavit, I am dead." Mr. Ansley assured Ms. Tao that her information would be presented "in camera."


Yet two months later, Ms. Tao showed up at Canada's Shanghai consulate in the custody of a Chinese police agent.

Mr. Ansley charged yesterday that Canada must have violated its

undertaking to keep the woman's statement confidential.

"How else could they have found her without going to the Chinese police? Why was a police agent there for the interview? I can only conclude she was under arrest," Mr. Ansley said.

"She was very nervous talking to me, but I kept telling her, 'This is Canada. There's an undertaking. You will be protected.' I have never seen anything like this in all my years as a lawyer."

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TODAY'S PAPER

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Security agent's presence was protocol, lawyer says

 By ROD MICKLEBURGH
 Thursday, July 17, 2003 - Page A9

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VANCOUVER -- It was international police protocol for a Chinese security agent to be present while RCMP questioned a witness in the Lai Changxing case, Immigration Canada lawyer Esta Resnick said yesterday.

Responding to charges that Canadian officials blew the cover of the witness, who complained of intimidation and cruel treatment by Chinese police investigating the case, Ms. Resnick told a Federal Court hearing that this is the rule when a police force wants to question a citizen of another country in that country.

"You must inform the police there, and the police accompany her to the interview to ensure that all conventions against torture are complied with," she said. "This is international police protocol."

RCMP officer Clive Walker at the Canadian consulate in Shanghai questioned witness Tao Mi.

Ms. Tao had earlier said Chinese investigators intimidated her, holding her in a hotel for more than two months without contact with her family, handcuffing her to chairs, and threatening her with jail time if she did not co-operate.

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She made the statement to a Shanghai-based Canadian lawyer Clive Ansley, recanting earlier evidence she gave Chinese police implicating Mr. Lai's wife in an alleged smuggling ring. When she said she feared for her life if Chinese police found out, Mr. Ansley promised that her statement would be kept confidential.

But two months later, Ms. Tao showed up at the Canadian consulate to be questioned by the RCMP accompanied by a Chinese security agent.

Efforts to locate her since have been unsuccessful, and Mr. Lai's lawyers fear she has been sent to a labour camp.

Yesterday, in a letter to Foreign Affairs Minister Bill Graham, Burnaby MP Svend Robinson demanded an explanation for the presence of the Chinese security agent at the consulate.

"If true, this is outrageous, and may very well have put her life at risk," Mr. Robinson said.

The controversy over Canada's handling of the matter has dominated this week's Federal Court hearing into a refugee board decision rejecting refugee claims by Mr. Lai, his wife and their three teenaged children, who came to Canada as Chinese police were preparing to arrest him. Immigration Canada has worked closely with Chinese authorities to have Mr. Lai and his family deported to China to face trial.

Ms. Resnick told the court that Inspector Walker, the RCMP liaison officer in Beijing, was asked to interview Ms. Tao by Canadian immigration officials who were "astonished" by her allegations of intimidation. "If they were true, it would have a massive impact on this case. So we contacted the RCMP in Beijing and said: 'Find this Tao Mi' " and talk to her.

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Judge probes Crown actions in refugee case

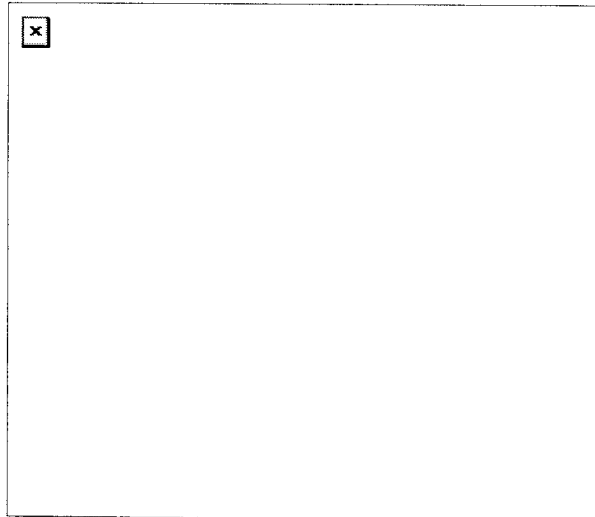
 By ROD MICKLEBURGH
 Friday, July 18, 2003 - Page A7

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VANCOUVER -- Immigration Canada faced more tough questions yesterday over its controversial actions in the Lai Changxing smuggling case -- this time from a Federal Court judge.

Calling some of the Immigration Department's actions "unusual" and "extraordinary," Mr. Justice Andrew MacKay pressed immigration lawyer Esta Resnick to explain an incident in which Canadian officials allowed a Chinese security agent to be present while they interrogated a Chinese witness in the case but did not inform Mr. Lai's lawyers about the interview.

Judge MacKay said he knows of no other case where the Crown had gone

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It is alleged that Calisto Tanzi, CEO of Parmalat, milked the company dry. Speculation is

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abroad to contact prospective witnesses without involving the other side.

"This is very extraordinary . . . the ministry ought not to be doing this," he told Ms. Resnick. "I'm always surprised when the Crown does things that, in Canada, they would not do."

The witness, Tao Mi, was questioned late last year at the Canadian consulate in Shanghai by RCMP Inspector Colin Walker over her allegations that she had been held for more than two months and threatened and intimidated by Chinese investigators.

Ms. Tao made the claims in an earlier interview with Clive Ansley, a Canadian lawyer based in Shanghai. According to Mr. Ansley, she said her life would be in danger if the Chinese police discovered what she had done.

Two months later, under questioning by Insp. Walker and with a Chinese security agent present, Ms. Tao denied speaking to Mr. Ansley and said she had been well treated during her time in Chinese custody.

In a letter this week to Foreign Affairs Minister Bill Graham, Burnaby MP Svend Robinson called it outrageous for Canada to allow the police force Ms. Tao was complaining about to be present at her interview. He also expressed concern that Canada may have blown her "cover" by involving China's public-security bureau.

Ms. Tao's whereabouts today are unknown.

Immigration officials have worked closely with Chinese authorities to have Mr. Lai deported from Canada to face trial on smuggling and bribery charges. They consistently rejected accusations there was anything untoward about techniques used by Chinese investigators in the case.

Ms. Resnick underscored this rosy view of China's criminal-justice system. She said Ms. Tao had nothing to fear by complaining to Chinese police about her alleged mistreatment.

"Chinese officials would investigate her complaint because it's a crime in China to torture someone.

"It's considered a serious situation," she told the court.

Ms. Resnick went on to explain that Chinese police sat in on Ms. Tao's interrogation at the Canadian consulate to protect her. "They were her protectors," Ms. Resnick said, prompting Judge MacKay to comment: "That's an unusual position to take."



that he was able to do this by buttering up the auditors. If found guilty he will be creamed. Shael Greenwood

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Judge MacKay is presiding over Mr. Lai's appeal of a ruling rejecting his refugee claim. He asked Ms. Resnick why Canadian officials bothered interviewing Ms. Tao in the first place.

When Ms. Resnick responded that Canada is a champion of human rights and wanted to find out whether Ms. Tao's complaints are true, Judge MacKay replied: "Oh, come on, now. . . . I just think this is very unusual."

Mr. Lai's lawyers have charged that most of the evidence against him stems from confessions by individuals implicated in the case who may have been tortured or mistreated by Chinese police.

Ms. Resnick dismissed the charge. She noted that one of the chief Chinese prosecutors came to Canada to testify at Mr. Lai's refugee hearing.

"He said that he did not mistreat anybody."

Outside the courtroom, Mr. Lai's lawyer, David Matas, said Canada is too close to China in the Lai Changxing case.

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Lawyer condemns handling of Lai case
Canada is sinking to Chinese standards of
justice, deportation-appeal court hears

By ROD MICKLEBURGH
Saturday, July 19, 2003 - Page A5

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VANCOUVER -- Canada is sinking to Chinese standards of justice in its efforts to have Lai Changxing returned to China to face smuggling and bribery charges, Mr. Lai's lawyer charged yesterday.

David Matas said Canadian immigration authorities have accepted at face value confessions made in Chinese police custody by other suspects in the case, some of which he said resembled "Stalin show-trial confessions."

"They are like a script someone would read with a gun pointed at their head," he told Mr. Justice Andrew MacKay of Federal Court as he argued that a refugee-board decision rejecting Mr. Lai's claim for refugee status should be overturned.

Mr. Matas said the refugee board failed to consider whether the confessions, which make up the bulk of the charges against Mr. Lai, were made voluntarily or whether they resulted from mistreatment by Chinese police.

He added that he is further concerned that Canadian immigration officials also interrogated suspects in

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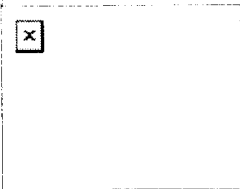
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China, in the presence of Chinese security agents, without giving lawyers for Mr. Lai a chance to be present.

Mr. Matas pointed out that Canadian judges, including Supreme Court Chief Justice Beverley McLachlin, have travelled to China to lecture judges about Canadian legal standards. "But instead of China's standards going up, Canada [in this case] is sinking to Chinese standards. Instead of Canadian procedures, questioning went ahead without lawyers for the other side."

Mr. Lai is China's No. 1 fugitive, pronounced guilty and declared worthy of being executed "three times over" by no less than Zhu Rongji, when he was premier.

He is accused of masterminding the biggest smuggling and bribery operation since the Communists took over China in 1949.

But Mr. Lai has denied any wrongdoing, saying he is being made a scapegoat by political enemies for becoming rich through legitimate business.

His lawyers have argued strenuously that he cannot receive a fair trial in China because the deck is stacked against him, given the high-profile, political nature of the case and the shabby standards of China's justice system, condemned by human-rights organizations around the world.

Mr. Matas said the Tao Mi incident, which has dominated much of the week's Federal Court hearing, shows how difficult it is to prove allegations of torture and intimidation by Chinese authorities.

After implicating Mr. Lai's wife in a statement to Chinese investigators, Ms. Tao later visited Clive Ansley, a Canadian lawyer in Shanghai, with complaints that she had been jailed for more than two months and threatened and intimidated until she coughed up information. She said she feared for her life if Chinese police found out she complained.

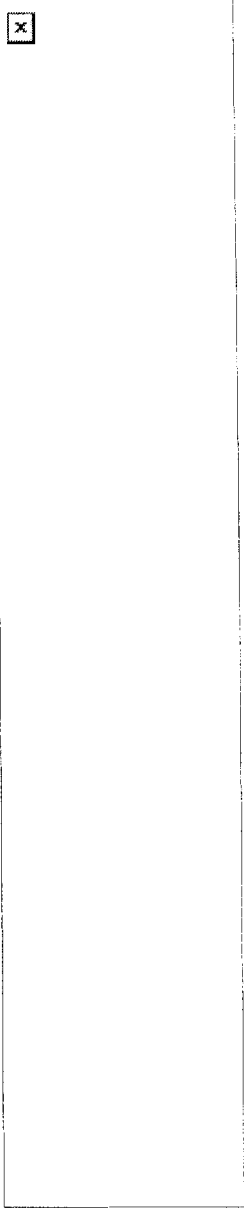
But two months later, she was interviewed about her accusations by RCMP Inspector Colin Walker with a Chinese security agent present, and denied being mistreated. Canada's handling of the matter has drawn fire from Mr. Matas and Burnaby MP Svend Robinson. Judge MacKay also expressed concern.

Mr. Matas said the Tao Mi incident "lifts the veil on China's artificial reality

that he was able to do this by buttering up the auditors. If found guilty he will be creamed. Shael Greenwood



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and shows what the actual reality is." He said the many confessions made by suspects implicating Mr. Lai should be thrown out because of the likelihood they were made involuntarily.

Immigration Canada lawyer Esta Resnick argued that there remains a strong case against Mr. Lai, even without the confessions.

She charged that Mr. Matas has put China's legal system on trial, asserting that the entire system is repressive.

"The Chinese legal system is in flux. It's improving," she told Judge MacKay. "It's not open [to Mr. Matas] to criticize procedures that are lawful in their country."

Concerning the Tao Mi case, Ms. Resnick suggested it was tit for tat not to have a lawyer for Mr. Lai present at the Canadian consulate for her questioning by Insp. Walker because immigration officials were not told about Ms. Tao's visit to Mr. Ansley's office. "This was going on on both sides."

Interjected Judge MacKay, "That's no excuse."

Earlier, Ms. Resnick said Mr. Lai is nothing more than a criminal fugitive from justice and undeserving of refugee status because of his "serious, non-political crimes."

Mr. Matas said there is a lot at stake in the case. "Eight people have already been executed in China [for their alleged involvement], 18 people have been sentenced to die and two have died in prison. This is a very serious case," he reminded Judge MacKay.

The judge agreed, saying he would not make a decision before the end of September at the earliest.

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Lawyer condemns Lai-case 'treachery'

 By ROD MICKLEBURGH
 Saturday, July 26, 2003 - Page A12

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VANCOUVER -- Accusing Immigration Canada officials of treachery and "an unconscionable betrayal" of a Chinese witness in the Lai Changxing smuggling case, Canadian lawyer Clive Ansley is calling on Immigration Minister Denis Coderre to investigate and punish those involved.

In a blunt, open letter to Mr. Coderre, Mr. Ansley says that because of what happened to witness Tao Mi, he is worried that other Chinese witnesses in the case may also be in danger.

An RCMP officer interrogated Ms. Tao at the Canadian consulate in Shanghai two months after she gave a statement to Mr. Ansley that Chinese investigators had mistreated and threatened her.

Although Immigration Canada representatives had promised to keep secret the identities of witnesses testifying on behalf of Mr. Lai, a Chinese security agent was allowed to sit in on the interview with Ms. Tao. Ms. Tao's whereabouts are unknown.

"There are no words in the English language which could properly express the shock, horror and outrage I felt when I discovered that your representatives had consciously and with malice aforethought breached

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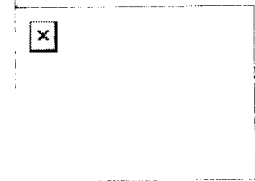
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☐ John A. Macdonald
☐ Wilfrid Laurier
☐ Terry Fox
☐ Other
 We don't need another day off

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It is alleged that Calisto Tanzi, CEO of Parmalat, milked the company dry. Speculation is

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their formal undertakings, provided Tao Mi's name to the Chinese police and even had her picked up by the Chinese police for interrogation by an RCMP officer," Mr. Ansley says in his letter to Mr. Coderre.

The lawyer, who recently returned to British Columbia after practising law in Shanghai for 14 years, says in the letter that he fears Immigration Canada representatives may have turned over the names of all the protected Chinese witnesses in the high-profile case to police in China.

Independent sources have told him that at least some of those who came forward with statements are under 24-hour police surveillance in China, Mr. Ansley's letter says.

Mr. Lai's lawyers hired Mr. Ansley to gather statements from witnesses who wished to provide evidence to help his case. All expressed "great fear" that Chinese police would learn of their testimony, but he assured them no Canadian official would betray them.

Instead, says Mr. Ansley: "Because of my misplaced faith in the integrity, humanity and fundamental honesty of your Vancouver representatives, Tao Mi has been sacrificed and the liberty of a significant number of other Chinese nationals is now in jeopardy."

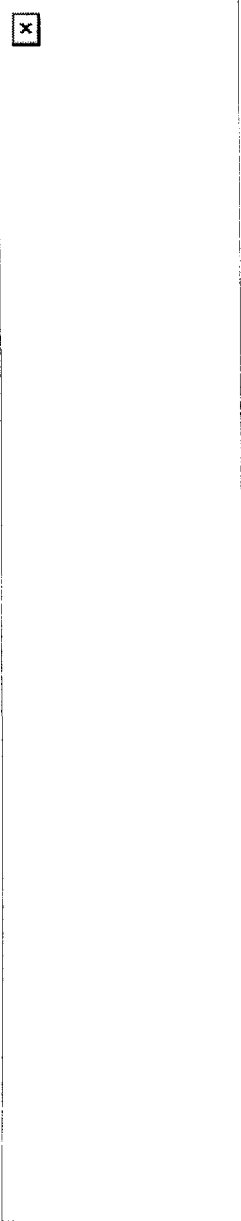
He calls on Mr. Coderre to carry out a full-scale investigation "and see that the individuals responsible are punished."

Mr. Ansley further urges the minister to take steps immediately to minimize the impact "of this treachery" on the "innocent and courageous" Chinese citizens.

that he was able to do this by buttering up the auditors. If found guilty he will be creamed. Shael Greenwood



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All men convicted are not deported equally

ROD MICKLEBURGH, published on the *Globe and Mail* dated 3 February 2006

VANCOUVER -- It is not known, at least by the public, exactly when Somalia native Mohamed Hagi Mohamud entered Canada. But we do know when he began his long, sorry history of criminality in the country that took him in.

Twelve years ago, Mr. Mohamud was sent to jail for the first time in Canada, on a simple narcotics charge. After that, he got violent.

In late 1997, Mr. Mohamud was convicted of assault with a weapon.

He was sentenced to three months in jail, in addition to the 13 months already spent in custody awaiting trial.

In 2002, he was convicted of assault causing bodily harm. That earned him six months further jail time, along with the more than 30 months of custody chalked up before sentencing.

The severity of both these crimes was sufficient to have Mr. Mohamud deported. Yet neither earned him a quick ticket out of Canada.

Immigration authorities did not get around to scheduling a deportation hearing until April of 2003. But the hearing was postponed, and Mr. Mohamud remained free.

Later that year, Toronto Police charged him with aggravated sexual assault for allegedly stabbing a sex-trade worker in the neck with a knife.

The charge was stayed, however, when the prosecutor decided the assailant's identity could not be sufficiently proven.

Despite his string of convictions and the sexual-assault charge, there still seemed no sense of concern about Mr. Mohamud's presence in the country.

A second deportation hearing was finally set for May of 2004. Mr. Mohamud did not show up.

Once again, alarm bells failed to go off. It took another seven months for immigration officials to even issue a warrant for Mr. Mohamud's arrest.

By then the trail was cold, and Mr. Mohamud had made it to Surrey, where, last spring, he violently and sexually assaulted a 33-year-old mother of three, believing her to be a prostitute. He had accosted her at knifepoint, forcing her to accompany him home.

The attack was so bloody that the courageous victim was able to purposefully smear her blood all over Mr. Mohamud's apartment and clothes to provide evidence that might help convict him.

In November, Mr. Mohamud pleaded guilty to unlawful confinement and sexual assault, receiving a sentence of 4½ years.

Yesterday, with Mr. Mohamud safely behind bars and public outrage growing over the case, the Canada Border Services Agency scheduled a third deportation hearing for the 33-year-old Somali.

After two hours of closed-door deliberations, while a large crowd of reporters waited outside, the hearing was adjourned, without explanation.

Now, for the purpose of comparison, let us examine how Canadian immigration officials have handled the case of Lai Changxing, wanted in the People's Republic of China for allegedly masterminding a huge smuggling and corruption scheme.

The former peasant with a Grade 4 education, now living in Burnaby, denies the accusation.

Canada has spent millions of dollars trying to deport Mr. Lai to face trial in China, a country with a justice system accountable to no one but the government, where he has already been declared guilty and deserving of execution.

When Mr. Lai, who has yet to harm a fly in Canada, committed the egregious offence of missing his curfew by a few hours to foolishly attend a youngster's birthday party, immigration authorities were onto him like a shot.

They arrested him that night, threw him in jail and argued -- unsuccessfully as it turned out -- that he should remain in custody until he is deported.

Mr. Mohamud, meanwhile, with his lengthy criminal record in Canada, was never detained for a moment by immigration authorities, either as a flight risk or as a danger to the public. He has fallen through more holes than Alice in Wonderland.

Does Canada care more about the bidding of China than it does for the traumatized, powerless victims of non-citizens like Mr. Mohamud?

You decide.