

## The Strange Case of Zhou Yongjun

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Hong Kong Journal, January 2011

On the morning of September 28, 2008, a middle-aged ethnic Chinese man of seemingly unknown national origin and identity arrived in Hong Kong. Traveling on a false Malaysian passport under the name Wang Xingxiang, this man, when confronted, refused to state his real name. The other items in his possession – including bank cards and credit cards – also bore the name Wang Xingxiang; there was nothing else on his person that could establish his true identity.

This man was questioned by Immigration authorities, who were unable to wrestle his name or virtually any other information from him. He was also interviewed by the Hong Kong police, who apparently suspected him of involvement in attempted bank fraud. On the evening of October 1, this man was transferred from Hong Kong to Shenzhen. He was then held incommunicado in Shenzhen for seven months, after which time he was transferred to Suining City in Sichuan Province. It was only in May 2009 that it became publicly known that this man, whose real name is Zhou Yongjun, was in fact in Chinese custody. In November 2009, Zhou was tried by a court in Sichuan province for bank fraud, and sentenced to nine years in jail in January 2010. He remains in jail in Sichuan to this day.

The case of Zhou Yongjun is a strange one. Zhou, a student activist in Tiananmen Square, spent roughly 18 months in detention for his involvement in the 1989 student protests. After his release, Zhou fled China, and sought and received political asylum in the United States. Around 2002, he became involved with the exile spiritual leader Zhang Hongbao, the founder of the Qigong group Zhong Gong—not related to the better-known Falung Gong. Many have speculated that Zhou's ties to both overseas democracy activists and exile Qigong groups heightened the Chinese government's interest in him, and that these ties are very much related to his transfer from Hong Kong to China.

The murkiness of his case, and, more recently, revelations which have heightened suspicions that he was in fact involved in bank fraud, have obscured the very real concerns over Hong Kong's autonomy and the integrity of "one country, two systems" that are raised by his treatment in Hong Kong. During his roughly four days in Hong Kong, Hong Kong authorities took decisions on his case that, while apparently not illegal, are nonetheless inconsistent with established practice. Since Zhou's detention in Guangdong has become known, the Hong Kong SAR government has repeatedly refused to provide information on its handling of the case, instead resorting to bland restatements of government immigration policy and blanket refusals to comment on individual cases.

The Zhou Yongjun case is the first of its kind. As far as is known, since the 1997 handover, the Hong Kong government has never been involved in handing over to Chinese authorities an exile activist who could reasonably fear persecution based on prior political activism. The government's handling of the case needs to be seen in the context of recent cases of seemingly political decisions by Hong Kong Immigration, to keep various persons, many of them exile dissidents and political activists, from entering Hong Kong.<sup>1</sup> Troublingly, the Zhou Yongjun case seems to have taken that process one step further.

Since the initial public disclosure of Zhou's detention in Sichuan, significant circumstantial evidence has emerged that suggest that Zhou may well have attempted to enter Hong Kong in order to engage in bank fraud. Yet the possibility that Zhou may well have had nefarious ends in mind does not exonerate the SAR government, if indeed political considerations or inappropriate contacts with mainland authorities played a role in its deviations from standard practice in Zhou's case. The protections offered by the rule of law and Hong Kong's autonomy under the one country, two systems formula exist not just for the innocent but also for the guilty.

### **Who is Zhou Yongjun?**

A native of Pengxi County in Sichuan Province, Zhou Yongjun, now 43, was a student majoring in political science at China University of Political Science and Law when the student protests broke out in the Spring of 1989. Zhou was a sometime leader of the student protests. His claim to fame was that he was one of three students to kneel on the steps of the Great Hall of the People in an attempt to present a petition of student demands to senior Party leaders on the day of Hu Yaobang's funeral, April 22, 1989. The protests were forcibly quashed by the government in the early morning hours of June 4, 1989. Zhou was detained in mid-June, and held for over a year without trial. He was released in January 1991.<sup>2</sup> Zhou fled China in June 1992, and arrived in the United States in February 1993.

Zhou's first incarnation in the United States was as exile political activist, a not-uncommon role for Chinese who ended up in the United States or Europe after the Tiananmen Square protests. For the next few years, Zhou remained active in exile politics, based mostly in New York.

In December 1998, Zhou attempted to sneak back into the mainland and was detained in Guangzhou. After being held in Guangzhou for six months, Zhou was transferred to Sichuan, where he was sentenced to three years of reeducation through labor, a form of administrative detention most often used in China to deal with petty crimes. He was released in 2002, and allowed to return to the United States soon after his release.

It was after his return to the United States that Zhou's story begins to intersect with that of Zhang Hongbao. And it may be that connection, even more than his 1989 student activism, that led Zhou to Hong Kong in 2008, and also led the Chinese government to take a stronger interest in him.

Zhang Hongbao was one of the first charismatic Qigong masters to emerge at the onset of China's Qigong boom in the mid-1980s. He created his own form of Qigong, which he called Zhong Gong – a Chinese abbreviation of the full name, which means Chinese Qigong to Nourish Life and Increase Intelligence – and lectured on its precepts to ever-larger audiences in Beijing throughout the second half of the 1980s.<sup>3</sup> By 1990, Zhang had achieved a certain level of fame: a 1990 biography, emphasizing his spiritual powers and teachings, sold more than ten million copies.

Zhang was determined to turn his public profile and army of devoted followers into a revenue machine. In the words of David Ownby, a leading Western expert on Qigong in China, Zhang was “the Donald Trump of the Qigong world.”<sup>4</sup> In the early 1990s, Zhang set up a nationwide network of Zhong Gong centers, which engaged in both Qigong training and practice, and the selling of related products, including writings and recordings on Qigong, medicine, and tea. His followers numbered in the millions, and the nationwide pyramidal scheme he set up ensured a large and steady stream of revenue into his coffers. Zhang was also careful to cultivate good relationships with Communist Party officials, and, at that time at least, expressed no interest in any sort of political agenda.

“It was a real moneymaking thing,” said Ownby, who teaches at the University of Montreal. “He applied a marketing logic pretty much from the beginning.”<sup>5</sup>

Zhang's Zhong Gong was by no means the only game in town: hundreds of other Qigong masters, many of them heading their own organizations, vied for followers alongside Zhong Gong. The most famous of these was Falun Gong, headed by the controversial spiritual leader Li Hongzhi. Whereas Zhong Gong was highly centralized and profit-driven, Falun Gong, especially in its early years, was highly decentralized. It focused less on money – there were no formal admission fees, and anyone could join – and more on the spiritual side of Qigong.<sup>6</sup> Its membership skyrocketed after its founding in 1992, and its tens of millions of adherents included not just average Chinese but also close relatives of senior central government officials.

## **The Party Grows Wary**

Such rapid growth could not but catch the eye of wary Communist Party officials, and many within the Party urged vigilance against what they saw as an emerging threat. “Over time, there were detractors,” said Ownby. “There were people who thought this was getting out of hand.”

Friction between the Party and Qigong groups increased throughout the 1990s. Li Hongzhi left China in 1995, after hearing rumblings of discontent in official circles over his activities. Media attacks on Falun Gong in particular became a regular occurrence after that. In June 1996, for example, the Guangming Daily published a piece calling Li a “swindler” and referring to the groups practices as “feudal superstition.”<sup>7</sup> Dozens of similar pieces followed in newspapers across the country.

Falun Gong adherents did not take these public attacks lying down, and tensions between the two sides continued to escalate. The famous protest staged by thousands of Falun Gong followers in front of Zhongnanhai, the seat of China’s government, in April 1999, was only the largest of a series of demonstrations. As it turned out, it was also the straw that broke the camel’s back: any lingering sympathy that Falun Gong may have had within the government evaporated, and the government moved to suppress the group.

The ensuing crackdown by the government swept up not only Falun Gong but also other Qigong groups, including Zhong Gong. Travelling under an assumed name, Zhang fled China in 1994, turning up in Guam in July 2000. He claimed political asylum, and came to the United States soon thereafter.<sup>8</sup> He seems to have brought at least some of the fortune he amassed in China during the 1990s with him.

It is not known exactly when Zhang Hongbao and Zhou Yongjun connected for the first time in exile, or why Zhou, an exile political activist, wanted to get in touch with a quasi-spiritual figure like Zhang. In court documents filed after Zhang’s death, Zhou indicated that he moved to California to work with Zhang in January 2003, identifying himself as a “special adviser and assistant.”<sup>9</sup>

Whatever the timing of the initial contact and the reasons behind it, Zhou’s integration into Zhang’s exile Zhong Gong world seems to have been quite extensive. Zhou described Zhang as “my master, mentor and fatherly friend,” and recalled their hours-long daily conversations.<sup>10</sup> “We were very close,” Zhou wrote. Life in Zhang Hongbao’s exile world was not for the faint of heart: Zhang fought bitterly with his estranged former second-in-command Yan Qingyan, and he continued to be dogged by allegations of violent illegal behavior. In 2003, Zhang was charged with assaulting his housekeeper, He Nanfang; he later pleaded no contest to a lesser charge.<sup>11</sup> Yet despite all of the turbulence, Zhou stayed by Zhang’s side. When Zhang was killed in a car accident in Arizona in July 2006, it was Zhou who spoke at a hastily-arranged press conference, seeming to imply foul play in Zhang’s death.

Zhou was also a party to the dispute over the rather large estate that Zhang left behind. At the time of his death, Zhang’s holdings included real estate and cash, some of it in bank accounts in several different countries.<sup>12</sup> Zhou’s decision to travel to Hong Kong took place against a backdrop of the increasingly acrimonious and high-stakes fight over all that Zhang had left behind.

It is the legal documents stemming from the fight over Zhang’s estate – as well as the paper trail from prior litigation involving Zhang, Zhou, Yan and others in the exile Zhong Gong circle – which most strongly indicate that Zhou could not have been ignorant of the significance of the name Wang Xingxiang.

Wang Xingxiang is the alias that Zhang Hongbao used when he left China in the mid-1990s. He continued to use that name on various bank accounts that held funds that he had amassed while still in China. Wang Xingxiang is openly identified as Zhang’s alias in several court documents, including on some documents in litigation to which Zhou was a party. And that same name appears on the Hong Kong bank accounts that, many believe, Zhou traveled to Hong Kong to access.

### **Zhou Yongjun’s Hong Kong Sojourn**

On September 26, 2008, Zhou left his home in California for Asia. He told his girlfriend, Zhang Yuewei, with whom he had a six-month-old daughter, very little about his plans; after his arrest and detention in China became known, Zhang Yuewei publicly claimed that Zhang was in Hong Kong en route to Sichuan to visit his parents. 13

On September 28, Zhou arrived in Hong Kong from Macau. His false passport, bearing the name Wang Xingxiang, was uncovered, and he was taken into custody by Hong Kong Immigration officials. During his time in custody, Zhou was questioned by the Hong Kong police over a case of alleged bank fraud involving bank accounts in Hong Kong under the name Wang Xingxiang. The questioning by Hong Kong police took place both in an immigration office at the Hong Kong Macau Ferry Terminal and at a Hong Kong Police Department office.

The bank fraud inquiry related to attempts to extract funds from various bank accounts, both in Hong Kong and elsewhere, in the name of Wang Xingxiang, which, as noted above, was an alias of Zhang Hongbao. In May 2008, roughly four months before Zhou Yongjun's arrival in Hong Kong, an individual claiming to be Wang Xingxiang sent fax transmissions bearing an address in Canada to a Citibank branch in Hong Kong, requesting transfer of two million Hong Kong dollars (roughly \$250,000 by current exchange rates) to an account in British Columbia, Canada. 14 Zhou's entry into Hong Kong on a passport bearing the same name at least facially connected him to the case. 15

According to Zhou's account of his time in custody, one of the Hong Kong police officers who had interrogated him informed him by phone in the evening of October 1 that he would not be prosecuted and that he would be released. Zhou, who had been transferred to a hospital for medical treatment, was asked to return to the Hong Kong Macau Ferry Terminal police station immediately. "Our investigation is over and we will not file any charges against you," Zhou says the officer told him. "We let you go right away. Can you stop waiting there for the medicine and come back as soon as possible?" 16

At a few minutes after 8pm on October 1, again according to Zhou's account, Zhou was put in a minibus with seven or eight men who, he was told, were Hong Kong Immigration officials. He apparently thought he would be driven from the Ferry Terminal police station to the ferry itself, but it soon became clear that they were headed to another destination entirely. Zhou claims that he was driven for roughly thirty minutes up through the New Territories into Shenzhen, after which time the car stopped and he was handed over to a group of mainland officials. Zhou's time in Hong Kong had come to an end

At the very least, Zhou's treatment by Chinese authorities after his return highlights the potential dangers of returning persons with sensitive political backgrounds to the mainland. Once Zhou was handed over to Chinese authorities, his rights were repeatedly violated. Although he openly disclosed his actual identity to his Shenzhen jailers very early in his confinement there, he was nonetheless given no access to an attorney or to members of his family. 17 In violation of Chinese law, he was held in incommunicado detention in Shenzhen under the name Wang Hua for seven months. Zhou's US-based lawyer, Li Jinjin, has alleged that Zhou was tortured by Chinese authorities while in custody in Shenzhen.

It was only after he was transferred to a detention center in Suining City in Sichuan in May 2009 that the authorities formally acknowledged custody of Zhou, initiated the criminal process and allowed him some access to an attorney and family members. Both the investigation of Zhou's case and his subsequent trial were marred by procedural violations all too common to "political" cases in China.

### **Analysis: Questionable Moves on Both Sides**

There are many aspects of Zhou's case which raise serious questions. First and foremost, if it was clear that Zhou had traveled into Hong Kong on a false passport, why did Hong Kong authorities choose not to prosecute him for passport fraud? According to several Hong Kong immigration lawyers, it is standard practice for the Hong Kong SAR government to prosecute individuals who show up in Hong Kong using false documents, in order to discourage others from doing so.

“This man’s case is unusual,” said Philip Dykes, a leading Hong Kong lawyer and human rights advocate. In a case like this, Dykes suggested, “you would have expected a prosecution.” <sup>18</sup>

“They always prosecute,” another lawyer with extensive experience in immigration cases said, noting that the minimum sentence in such cases is usually eighteen months.

Yet, in Zhou’s case, the Hong Kong authorities declined to prosecute. As senior Hong Kong officials have pointed out after Zhou’s case came to light, the power to prosecute for passport fraud is in fact discretionary,<sup>19</sup> and it must be said that no violation of Hong Kong law has emerged in the SAR’s handling of Zhou’s case. But why did the SAR government depart from standard operating procedure in its handling of Zhou’s case? Would not the evidence linking Zhou to bank fraud – discussed in more detail below – strengthen, rather than weaken, the argument in favor of prosecution?

Many observers, Zhou’s lawyers among them, have questioned why Hong Kong Immigration chose to return Zhou to the mainland, rather than Macau, where he had come from, or the United States, his place of residence. Others, including Legislative Councillors Margaret Ng and Leung Kwok-hung, also known as Long Hair, have asked whether Immigration officials informed Zhou that he would be returned to the mainland, and obtained his consent to return.<sup>20</sup> As of this writing, the SAR government has not made clear whether Zhou was told that he was being returned to the mainland; it has generally declined to comment on the specifics of Zhou’s case.

It should be noted that there are one or two key discrepancies between Zhou’s own account of his time in Hong Kong and the story told by the relevant Hong Kong Immigration documents. Most crucially, Zhou suggests that he never revealed his name or the fact that he is originally from mainland China. The Immigration Department’s Record of Interview for Zhou, which begins at 11.12pm on September 30, and ends at 1am on the morning of October 1, does not suggest that Zhou revealed his identity, but it does state that he initially informed immigration officials of his actual place of birth, Sichuan province. Other immigration forms generated by Hong Kong Immigration also state that Zhou identified his place of birth as Sichuan, and that this was the basis for Zhou’s removal to the Mainland.<sup>21</sup>

If true, this would suggest a more solid factual basis for the Hong Kong government’s decision to return Zhou to the mainland than has previously emerged. As many have pointed out, standard practice would be to return an individual either to his place of residence or his place of origin. If Zhou’s current place of residence was genuinely unknown, then it would make sense to return him to the mainland.

Yet while certain moves by the Hong Kong authorities deserve further scrutiny, Zhou himself also made choices that are difficult to understand. For example, Zhou’s decision not to reveal his actual identity remains a curious one. If, as his own account of his return to the mainland suggests, he began to suspect that he was being transported back to China, why did he not disclose his actual identity, and request deportation to the United States, his place of residence? Surely doing so would have made it much more difficult for Hong Kong immigration officials to send him back to China. It is at least possible that Zhou thought he could ride the entire episode out by keeping his mouth shut; he may have believed that, once the Hong Kong authorities tired of him, he would be put on a plane back to California. Yet doubt must have crept into his mind as he was being driven northward. Zhou’s silence as he was being driven to Shenzhen remains one of the key unanswered questions of the affair, one that begs elaboration by Zhou himself.

The Hong Kong Immigration file on Zhou’s case also casts further doubt on Zhou’s claim that he was unaware of Zhang’s use of the alias Wang Xingxiang, and also provides some circumstantial evidence connecting Zhou to the case of bank fraud for which he was tried and convicted. According to Hong Kong Immigration documents, Zhou was carrying a various credit and bank cards in the name of Wang Xingxiang; it is unlikely that someone who picked up a false passport with, as Zhou claims, a randomly-assigned name, would also go through the trouble of having bank cards created in that same name. Zhou was also carrying a business card of Zhang Hongbao’s, which, one assumes, Zhou would not have wanted to carry into the mainland with him for security reasons. Also, the date of birth listed on Zhou’s fake

Malaysian passport, August 8, 1953, corresponds with the date of birth on Zhang Hongbao's fake mainland Chinese ID card in the name of Wang Xingxiang. 22

These additional facts, when combined with revelations first uncovered by the South China Morning Post about Zhou's extensive connections with Zhang, further undermine the credibility of Zhou's claim that he did not know that Zhang Hongbao used Wang Xingxiang as an alias, and that he was given the fake Malaysian passport in that name at random. In sum, it is difficult to believe that it could have been a (for Zhou) unlucky coincidence. One is left to wonder: if it is in fact the case that Zhou obtained a forged passport in the name of Wang Xingxiang, why did he do so?

And yet, as more and more circumstantial evidence mounts of Zhou's involvement in attempted bank fraud comes to light, the Hong Kong authorities' decision to return him to the mainland becomes even more difficult to understand. If, as seems to be the case, the Hong Kong police had in their possession evidence that strongly suggested Zhou's intent to engage in illegal activity in Hong Kong, why did they not prosecute him? At the very least, why not begin prosecution for his use of a false passport, a seeming open-and-shut case, and continue to investigate Zhou's possible involvement in bank fraud?

### **What Next?**

Even if one views the facts of Zhou's case as suggestive of foul play on the part of Zhou, its outcome is nonetheless troubling. Zhou was held for months in incommunicado detention, and was denied a fair trial. His ability to speak on his own behalf, and to shed light on some of the more perplexing aspects of his case, is limited. Perhaps most importantly, his girlfriend and young daughter have no access to him in China.

What, if anything, can be done? Options are severely limited. When appropriate, the US will arrange for US citizens convicted of crimes in foreign countries to serve their sentence in the United States. Such transfers can only take place with the consent of the prisoner him or herself, and do not include the right to a new trial in America. In fact, reconsideration of the original verdict, no matter how flawed, is generally off the table.

Such an option would be an attractive one for Zhou: it would get him out of China, and would allow him to serve his sentence in a place where his girlfriend and daughter could have at least some contact with him. Yet for Zhou, prisoner transfer is not possible: he is only a green card holder, not a US citizen, and is therefore not eligible for prisoner transfer. Also, although Hong Kong does have a prisoner transfer agreement with the US, China does not. 23

In sum, Zhou's legal options are virtually non-existent. The only option left may be political: the only way that progress might be made on Zhou's case is if international human rights groups and foreign governments intervene on his behalf, making the case with Beijing for an early release. Yet this option too is problematic: especially since the link between Zhou and alleged bank fraud has become more pronounced, the voices calling for action on his case, never particularly strong, have grown even quieter.

It is likely that the lack of action around his case has everything to do with the lack of clarity surrounding the allegations of impropriety by Zhou. To this day, Zhou Yongjun has maintained his innocence, claiming, however improbably, that he ended up with a passport in the (false) name of his former patron completely by accident and without his knowledge. As Zhou endures his third year behind bars in China, one wonders whether he might want to consider a different approach: if he decides to fully and publicly explain his reasons for traveling to Hong Kong, might not his act of painful honesty generate a bit more sympathy for him, such that international actors in a position to weigh in on his case with Beijing might be more inclined to do so? A slim reed, to be sure, but at this point where else can Zhou pin his hopes?

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1. For more on seemingly political decisions by Hong Kong Immigration related to entry into Hong Kong, see Thomas E. Kellogg, "Stirring Up Trouble: the Johannes Chan Incident, Ideological Exclusion and Immigration Law in Hong Kong and Macau," *Hong Kong Journal*, July 2009.
2. Lena H. Sun, "Chinese Activists Sentenced; Student Leader Wang Given 4-Year Term," *Washington Post*, January 27, 1991.
3. David Ownby, *Falun Gong and the Future of China*, Oxford University Press, 2008, p. 71. For a very good short summary of Zhang's rise and fall in China, see Ownby, pp. 70-77. See also David Palmer, *Qigong Fever: Body, Science, and Utopia in China*, Columbia University Press, 2007, pp. 146-150.
4. Author interview with David Ownby, June 9, 2010.
5. Author interview.
6. Maria Hsia Chang, *Falun Gong: the End of Days*, Yale University Press, 2004, p. 4.
7. Ownby, *Falun Gong and the Future of China*, p. 168.
8. Zhang's attempt to come to the US and claim political asylum was complicated by rape charges that had been filed against him in China; Zhang and his followers claimed that the charges were politically-motivated. See Joseph Kahn, "US Delays Asylum Hearing for Leader of a Chinese Sect," *New York Times*, August 19, 2000; Erik Eckholm, "Beijing Lists Charges Against Sect Leader Who Flew to Guam," *New York Times*, September 15, 2000.
9. Kristin Jones, "The Twisted Tale of a Flawed Dissident," *South China Morning Post*, March 20, 2010.
10. Ibid.
11. David Pierson, "Stakes High for Accused Dissident," *Los Angeles Times*, May 19, 2003.
12. According to one estimate, Zhang's estate, which includes homes in both California and Texas, is worth roughly \$2million. It is unclear if this estimate includes various bank accounts under the name Wang Xingxiang. Molly Hennessy-Fiske, "Selling What the Dead Left Behind," *Los Angeles Times*, December 28, 2009.
13. "He insisted on going because he wanted to visit his family," Zhang Yuewei told a reporter. "His father has had a stroke and is partially paralyzed, and his mother has heart disease. We had a quarrel over it." Fox Yi Hu, "How HK Handed Over a Dissident," *South China Morning Post*, October 18, 2009.
14. Copies of those fax transmissions on file with author.
15. Those fax transmissions, copies of which Zhou claims were given to him during his interrogation by Hong Kong police, later were presented as evidence at Zhou's trial in Sichuan. In his interview with prominent rights lawyer Mo Shaoping, which took place at Zhou's prison in Sichuan on May 25, 2009, Zhou denied any prior knowledge of those transmissions. A transcript of that conversation is available online at: [http://www.zonaeuropa.com/20091013\\_1.htm](http://www.zonaeuropa.com/20091013_1.htm).
16. Zhou Yongjun letter to his attorneys, March 3, 2010. Available online at: <http://www.inmediahk.net/node/1008351>.
17. Li Jinjin, "Zhou Yongjun's Case Report," September 19, 2009. Available online at:
18. Author interview, Hong Kong, May 2010.
19. Legislative Council, Panel on Security, Minutes of meeting, November 3, 2009, pp. 12-13.
20. Legislative Council, Panel on Security, Minutes of meeting, November 3, 2009, pp. 11-12.
21. See, for example, the Confirmation of Departure form, dated October 3, 2008.
22. See Beijing Public Security Bureau statement, "Zhang Hongbao is a criminal suspect in China," July 25, 2000; available online at: <http://www.china-embassy.org/eng/sgxx/sggg/sgxw/t34848.htm>.

23. Agreement Between the Government of Hong Kong and the Government of the United States of America for the Transfer of Sentenced Persons, April 17, 1999.