

ENGAGING CHINA EFFECTIVELY ON ORGAN PILLAGING

Hon. David Kilgour, J.D.
University of San Diego
Joan Kroc Institute for Peace and Justice
May 11, 2011
San Diego, California

Permit me first to express my strong admiration for the people of China, which is based in part by interactions during almost 27 years in Canada's Parliament with Edmonton constituents of origin in China. A number of visits to the country only increased it. The differences I have are with the government for its abuses and much worse of citizens of China and nationals of other lands*.

Friends of China around the world should continue to speak up for the dignity of its people. The party-state accuses critics of being 'anti-China', but it is the Party whose behavior so many of us would like to see change. Chinese human rights advocates, such as the twice Nobel Peace Prize- nominated and currently disappeared Gao Zhisheng, care deeply about improving the well-being of the Chinese people.

Gao Zhisheng



Gao is often called "the conscience of China". He gained international acclaim for donating his lawyer's skills to defend workers, evicted farmers, miners, dissidents and the disabled. His criticism of the persecution of Falun Gong practitioners, however, triggered seven weeks of torture for himself. It stopped only when he agreed to "confess" in an article saying that the party-state treated his family well and that Falun Gong had tricked him into writing a letter to the U.S. Congress. Shortly after his release for a brief period, Gao wrote a letter detailing his ordeal and authorized its release in Feb. 2009, although threatened with death if he spoke publicly about his experience. His wife, Geng He, and two children in the meantime had escaped to America and now live in California. She continues to fight for the freedom of her husband, hoping that he's still alive, but simply not knowing. The UN Working Group on Arbitrary Detention this March called on the government of China to release Gao, terming his detention a violation of international law.

Liu Xiaobo



A good example of China's courts as theatres was the sentencing in late 2009 of Liu Xiaobo, the Charter 08 co-author and 2010 Nobel Peace Prize laureate, to eleven years in prison for peacefully advocating democracy.

Clive Ansley practised law in Shanghai for 13 years, handling about 300 cases in their courts before returning to Canada.

His article in the March, 2007 British Columbia trial

lawyers' publication *Verdict* explains the reality of what

happened to Liu and so many others. Cases important to the Party are decided behind closed doors, completely away from any public view:

"There is a current saying amongst Chinese lawyers and judges who truly believe in the Rule of Law and this saying, familiar throughout all legal circles in China, vividly illustrates the futility of Canadian attempts to 'assist China in improving its legal system' by training judges. It is 'Those who hear the case do not make the judgment; those who make the judgment have not heard the case' "...Nothing which has transpired in the 'courtroom' has any impact on the 'judgment'."

Ansley's brilliant article can be accessed at

http://organharvestinvestigation.net/events/verdict112_mar07.pdf

Jerome Cohen

Professor Jerome Cohen of the New York University School of Law, an expert on Chinese law, and David Matas recently participated in a video-taped panel, which can be accessed in the Human Dignity section of www.david-kilgour.com. My notes of the video include the following:



- Until the party-state of China ratifies the International Covenant on Civil and Political Rights, the people of China will lack protection for essential freedoms.
- Today there are about 700 law schools across China and about 160,000-170,000 practising lawyers. A party spokesperson recently said, no doubt with events across the Arab world in mind, "Law will not be a protection for anyone (seeking freedom). The deficiencies of its legal system are illustrated by such practices as charging defense lawyers with "inducing perjury" from clients in order to intimidate them. Confessions through torture are very common.

Forced Labour Camps

David Matas and I visited about a dozen countries to interview Falun Gong practitioners sent to China's forced labour camps, who managed later to leave the camps and the country itself. Many were sent to camps after mid-1999 without any form of hearing on only a police signature. The system was created in Stalin's Russia and Hitler's Third Reich and copied in the 1950s by Mao. The practitioners told us of working in appalling conditions for up to sixteen hours daily with no pay and little food, crowded sleeping conditions and torture. They made export products, ranging from garments to Christmas decorations, presumably as subcontractors to multinational companies. This constitutes corporate irresponsibility and violations of WTO rules; it shrieks for an effective response by all governments who are trading partners of China.

The labour camps, being outside the legal system, allow the Party to send anyone to them for up to four years with neither any form of hearing nor appeal. There is a causal link between the labour done since 1999 by Falun Gong practitioners and other prisoners in these camps and the loss of manufacturing jobs in America, Canada, Mexico and elsewhere. One estimate of the number of the camps across China as of 2005 was 340, having a capacity of about 300,000 inmates. In 2007, a US government report estimated that at least half of the inmates in the camps were Falun Gong. It is the combination of totalitarian governance and 'anything is permitted' economics that allows such inhuman practices. The U.S., Canada and other countries should ban forced labour exports by legislation, which puts an onus on all importers to prove their goods are not made by involuntary labour. Let`s stop exporting our manufacturing jobs to labour camps in China.

Chen Ying



One of the camp veterans we met was Chen Ying, who was later awarded refugee status by the government of France. Part of her story follows:

“Because I would not renounce my Falun Gong convictions, between February 2000 and November 2001, I was imprisoned three times without any judicial process...”

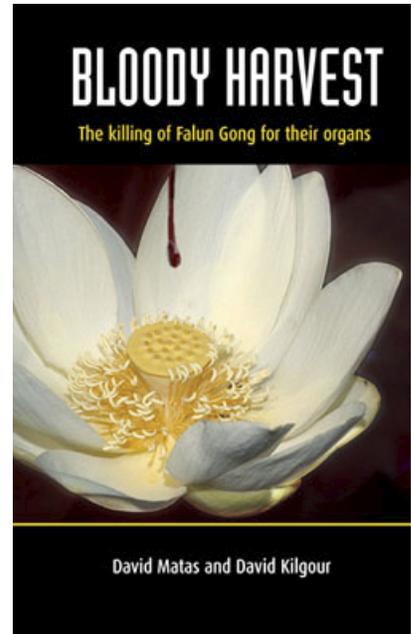
“Each time, I was mistreated and tortured by the police...At the end of September, 2000, as I would not tell them my name, I was called out by the police and taken to a hospital for a complete medical examination: cardiac, blood, eyes, etc. I had to carry chains on my legs and I was attached to a window frame. The police injected me with unknown substances. After the injections, my heart beat abnormally quickly. Each one gave me the impression that my heart was going to explode...”

41,500 Transplants

According to research David Matas and I have done, set out in our book *Bloody Harvest*, practitioners have been killed in the thousands since 2001 so that their organs could be trafficked to Chinese and foreign patients. For the period 2000 –2005 alone, we concluded that for 41,500 transplants done the only explanation for sourcing was Falun Gong.

The main conclusion of our book is that there “continues today to be large-scale organ seizures from unwilling Falun Gong practitioners (...) Their vital organs, including kidneys, livers, corneas and hearts, were seized for sale at high prices, sometimes to foreigners, who normally face long waits for voluntary donations of such organs in their home countries”.

Our revised report is accessible in 18 languages from www.david-kilgour.com.



Nature of Falun Gong

Falun Gong (or Falun Dafa) is a spiritual discipline which seeks to improve body, character and ethics. It contains features of traditional systems, like Buddhism and Taoism, combined with a set of gentle exercises. Its core principles are “truth, compassion and forbearance”, which echo those of virtually all religions.

The party-state has repressed Falun Gong savagely since July 1999. Torture, rapes, beatings to death, detentions in forced labour camps, brainwashing—all became the daily lot of many Falun Gong across China. Practitioners responded with a non-violent, but energetic defense of human dignity both within China and in many other countries.

After 1980, the government began withdrawing funds from the health system as a whole across China, obliging it to make up the difference through service charges to mostly

uninsured patients. Selling the organs of executed convicts soon became a major source of funds because of world demand created by chronic organ shortages. Falun Gong later became an additional source of organs for patients from China and elsewhere who did not question whether the "donors" were convicted prisoners sentenced to death. Organ price lists were posted on Chinese websites. Hospitals boasted openly on their websites about the money being made from the sale of organs.

Recent Developments

Have the efforts of many in China and elsewhere to stop these crimes against humanity made any difference? Our book points at various developments within and beyond China occurring since our first report in 2006, but, to save time, I'll only mention two:

1. The government of China now accepts that sourcing of organs from prisoners is improper. Deputy Health Minister Huang Jiefu in 2009 stated that executed prisoners "are definitely not a proper source for organ transplants." In 2005, he was reported to say that as many as 95% of the transplanted organs in China derived from executions.
2. Belgian senator Patrik Vankrunkelsven and Canadian MP Borys Wrzesnewskyj have each introduced into their respective parliaments extraterritorial legislation banning "transplant tourism". Both would penalize any transplant patient who receives an organ without consent of the donor where the patient knew or ought to have known of the absence of consent.

Unfortunately, such developments have not ended the murders and trafficking in organs across China. Since we began our work, the number of convicted persons sentenced to death and then executed across China has decreased quite dramatically, but the number of transplants, after a slight decline, rose to earlier levels. Since the only other substantial source of organs for transplants in China besides Falun Gong is prisoners sentenced to death, a decrease of sourcing from that population means an increase of sourcing from Falun Gong.

Recommendations

David Matas and I would encourage each of you and your friends across America to consider our recommendations, including:

Urging the party-state in China to:

- cease the repression of Falun Gong;
- cease organ-pillaging from all prisoners;

- remove its military from the organ transplant business;
- establish a legitimate organ donor system;
- open all detention centres, including forced labour camps, for international investigation;
- free Liu Xiaobo and Gao Zhisheng and permit both to reunite with their families.

Implement the following until the party-state in China ceases organ pillaging from prisoners:

- medical professionals in every country which respects human dignity ought actively to discourage patients from going to China for transplant surgery;
- no government should issue visas to Chinese MDs seeking training in organ or body tissue transplantation;
- MDs from outside China should not travel there to give training in transplant surgery;
- contributions submitted to medical journals outside China about its experience with transplants should be rejected;
- pharmaceutical companies everywhere should be barred by their national governments from exporting to China any drugs used solely in transplant surgery.

Conclusion

In a UPI/Zogby opinion poll done several years ago, 79 percent of Americans said they had a favourable opinion of the Chinese people, but 87 percent had an unfavourable opinion of their government. In my opinion, a similar survey done in any rule-of-law country today would produce very similar findings. What would the vast majority of the Chinese people tell a pollster about the Party if they could without serious risk of consequences?

The attempted crushing of democracy movements, independent journalists, Buddhist, Falun Gong, Christian, Muslim and other faith groups, human rights lawyers and other civil society communities in recent years indicates that China's party-state must be engaged with great caution on all issues.

The Chinese want the same things as Americans, Canadians and all peoples, including, respect, education, good jobs, the rule of law, good governance and a sustainable natural environment.

Thank you.

***Two examples of mistreatment of foreigners:**

David Matas



The current issue of the University of Manitoba alumni journal (http://umanitoba.ca/people/alumni/media/OnMB_April2011_web.pdf) outlines some of what David Matas has faced during his work on the Falun Gong persecution:

“In 2007, Matas received a potentially damaging computer virus while arranging to speak about the Falun Gong killings.

That same year, when he was speaking at Columbia University, the Chinese Students and Scholars Association in Australia posted a threat on its website saying: ‘Anyone who offends China will be executed no matter how far away they are’. This was

followed by a direct threat by a Chinese government police officer participating via Internet at an Australian Forum where Matas was speaking. ‘Are you afraid of death?’ he asked Matas.

‘You are brutally interfering in our Party’s internal policies. Are you afraid of our revenge? Our revenge against you, we’ll take revenge against you, are you not afraid of that?’ Then there was the drive-by shooting at the offices of the Epoch Times. At the time, the newspaper was hosting Matas who was speaking at a public forum in Queensland. These incidents leave no doubt that advocating for the human rights of the Falun Gong is dangerous work.”

Darren Russell

Six years ago, an American teacher, Darren Russell of California, was killed in south China. Chinese police said he died as a result of a truck-pedestrian accident. I’m told the US consulate in Guangzhou, where Russell had lived and worked in evidently sweatshop conditions, endorsed this “official” story. His mother, Maxine Russell, who is here tonight, has since fought to get answers ; her case is now in your Federal court.



She is suing for the release of records that your government apparently does not want her to see. She thinks it is because America’s relationship with China, which she thinks benefits multi-national corporations at the expense of ordinary citizens, might be exposed.

Mrs. Russell had Nathan’s body exhumed and returned to California for an autopsy. I`m told the pathologist determined it was no accident but rather homicide by blunt force trauma to the head... While no unearthing of facts will bring her son back, Mrs. Russell believes the value of truth will perhaps prevent something similar from happening to anyone else. More about this case can be found www.darrenrussellcase.com .