

## **ORGAN PILLAGING IN CHINA**

**Notes for remarks by Hon, David Kilgour, J.D., at a forum held in conjunction  
with the World Medical Association annual meeting  
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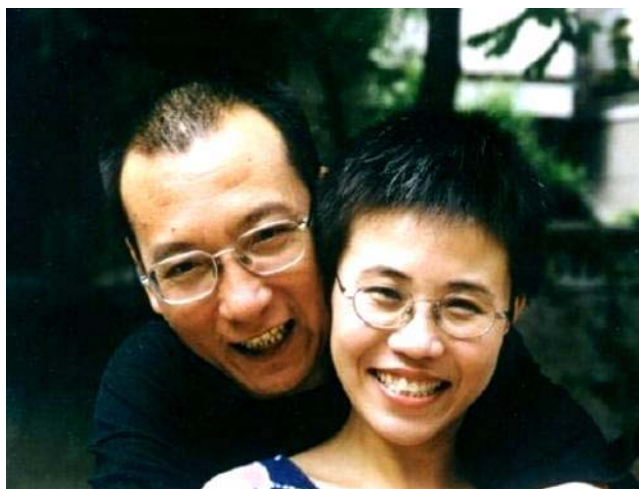
Thank you for the opportunity to speak to you today.

First, permit me to express my admiration for the Chinese people. A number of visits to the country, both as minister of state for Asia-Pacific and as a private citizen, have only increased this regard, founded in part by interactions with constituents of origin in China during almost 27 years in Canada's Parliament. The differences I have are with the Beijing government, particularly about organ pillaging from Falun Gong practitioners and other prisoners across China.

Such attitudes compel the genuine friends of China to speak up for the dignity of its people. Imprisoned human rights advocates, such as last year's Nobel Peace Prize laureate, Liu Xiaobo, twice Nobel Peace Prize-nominated human rights lawyer, Gao Zhisheng, and their supporters at home and abroad care deeply about improving the overall well-being of the Chinese people. They need support from institutions such as the World Medical Association.



**Gao Zhisheng and his family**



**Liu Xiaobo and his wife Liu Xia**

Before he was first arrested, Gao publicly opposed the killing of Falun Gong practitioners for their organs. 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 Daoism (Taoism), combined with a set of gentle exercises. Its core principles are "truth, compassion and forbearance", which echo those of Christianity, Islam, Hinduism and other faiths.

### **Falun Gong**

In China, where it first became public in 1992, Falun Gong grew within seven years to 70-100 million practitioners by the government's own estimate. Then president Jiang Zemin in early

1999 reacted negatively at seeing citizens from all walks of life, including party members, engaging publicly in a form of exercise, which had a belief system behind it different from Marxism-Leninism. The exercises, moreover, could be done anywhere at any time, singly or in groups, indoors or outdoors. The amorphous nature meant it was impossible for the Party to control Falun Gong.

The regime 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 defence of human dignity both within China and in many other countries.

In June 2006, Gao invited David Matas and me to come to China to investigate after it was announced that we were doing an independent report to assess allegations about Falun Gong victimization. In an open letter to the US Congress dated September 27, 2007, Gao accused a number of Chinese leaders of crimes against humanity and genocide against the Falun Gong community. In support of his charge, he referred to evidence we had provided in our report, including inculpatory telephone conversations recorded with involved hospitals and doctors.

Drawing from our research, first in a report released in July 2006 and updated in January 2007, and then in a book titled *Bloody Harvest* released in November 2009, Matas and I concluded that Falun Gong had been killed in the tens of thousands so that their organs could be sold to foreigners, creating a billion dollar business across China. The organ pillaging of Falun Gong practitioners has been systematic. We launched a global campaign to attempt to end the abuse, speaking in about 80 cities in over forty countries about our research and conclusions.

Our report is accessible in 18 languages at [www.organharvestinvestigation.net](http://www.organharvestinvestigation.net).

### **Labour Camps**

Matas and I visited about a dozen countries to interview Falun Gong practitioners sent to China's forced labour camps, but who later managed to leave the camps and the country itself. They told us of working in appalling conditions for up to 16 hours daily with no pay and little food, crowded sleeping conditions and torture. One estimate of the number of the camps across China as of 2005 was 340, with a capacity of about 300,000 inmates. The vast majority of Falun Gong inmates were never charged or involved in any judicial process. Others estimate much larger numbers in camps.

In 2007, a US government report concluded that at least half of the inmates in the camps were Falun Gong. Consider:

- Only Falun Gong practitioners in the labour camps are regularly examined with x-rays, ultra-sounds, blood tests and other means of monitoring the quality and function of their organs. This cannot be motivated by health concerns because they are also systematically tortured. (Testing is of course necessary for organ transplants because of the need for blood and tissue compatibility between the organ source and the recipient. It is also costly; expensive transplants would cover such expenses).

- Traditional sources of transplants - persons convicted of capital offences and executed, voluntary donors, the brain dead/cardiac alive - cannot explain the total number of transplants done since 1999. Deputy health minister Huang Jiefu was reported to have said in 2005 that as many as 95% of the transplanted organs in China derived from executions. The transplant volume went up dramatically after the banning of Falun Gong, yet the numbers of persons sentenced to death and then executed did not increase.
- The main conclusion of the book *Bloody Harvest* is that the involuntary large-scale organ pillaging, resulting always in the death of Falun Gong prisoners of conscience as “donors”, continues. Their organs (kidneys, livers, hearts and corneas) are being trafficked, sometimes to foreigners who face long waits for voluntary donations in their own countries. One patient told us that eight kidneys were brought to him in a Shanghai hospital by a military surgeon in uniform during two visits months apart before a compatible one was located.



Chen Ying

Chen Ying, a Falun Gong refugee: “Because I would not renounce my Falun Gong convictions, between Feb 2000 and Nov 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, ...I was called out by the police and taken to a hospital for a complete medical examination: cardiac, blood, eyes, etc. ...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...”

Our conclusion was reached from the cumulative effect of ultimately 52 different kinds of proof. Each is verifiable in itself and most are incontestable. In combination, they constitute a clearly demonstrated pattern of systematic criminal wrongdoing in a country which lacks both the rule of law and independent judges.

From the 90,000 organ transplants which a government spokesman said were done over the period 1999 – 2005, Matas and I deducted those which came from reportedly executed criminals and other explained sources, and concluded that the remaining 41,500 transplants during those years came from incarcerated Falun Gong.

A Chinese ministry of health notice in force July 1, 2006 forbids the sale of human organs. Since neither prisoners killed for their organs nor their families are paid for their organs, this provision is not violated by current Chinese hospital billing practices. The law requires written consent from the organ source, but there is no means of determining whether that consent is obtained. The law also requires medical institutions to charge patients according to ministry standards. It is this provision which is being violated by the exorbitant fees charged foreigners. The Chinese government as well as a matter of policy

announced on June 26, 2007 that a priority for organ transplants would be given to local Chinese national patients. This policy is not a law.

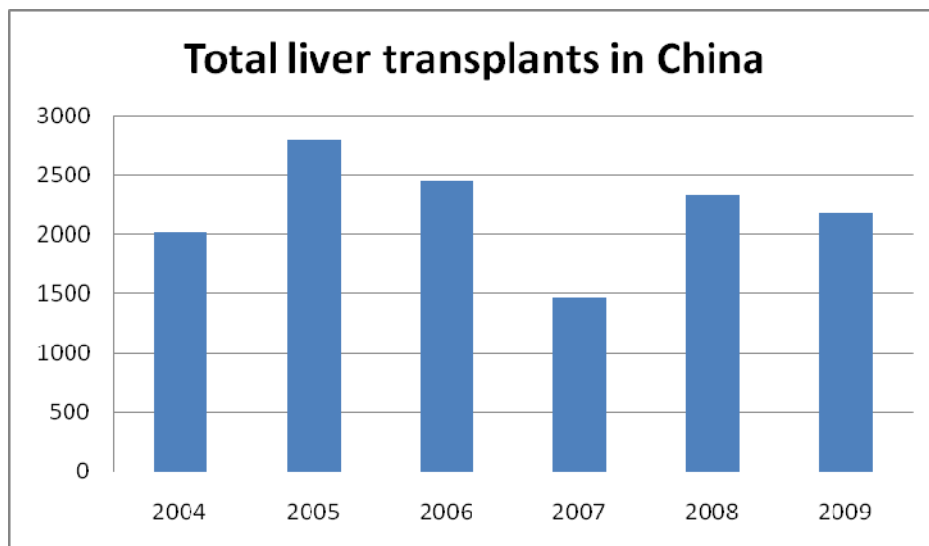
(The shift in priority for organ transplants from foreign to local patients was real. Chinese nationals who needed transplants were understandably angry at having to wait months and years for transplants when foreigners were being given priority. To manage local discontent, priorities had to shift. As well, the advantage of replacing talkative foreign patients with circumspect local patients was self-evident. One website still pitched to foreigners in English and Arabic is <http://cntransplant.com/index1.htm>.)

The party-state did not change its policy and law to end the sourcing of organs without consent. The law and policy appear changed to reduce criticism of sourcing organs without consent.

In China, laws have no effect independent from Communist Party dictates; laws cannot be enforced against the Party or its members. When the party-state feels criticism, it often changes laws without changing practices.

Statistics and the law tell contrary stories. Volumes of transplants did dip in January 2007, but this had little to do with a change in transplant policies or laws and much to do with a change in the law on the death penalty.

(According to the China Liver Transplant Registry, for example, the number of liver transplants before the 2007 death penalty reduction was 2,023 for 2004, 2,794 in 2005 and 2,448 in 2006. In 2007, the figure was 1,469. According to Deputy Health Minister Huang Jiefu, in a speech given in Madrid in March 2010, the number of liver transplants immediately following the 2007 drop in executions was 2,334 for 2008 and 2,181 for 2009.)



How has China been able to return to historically high liver transplant volumes in 2008 and later years in the absence of a commensurate increase in executions of prisoners sentenced to death? The only plausible answer is an increase in sourcing of organs from the only other large source available, Falun Gong practitioners.

(The Chinese health system runs four transplant registries, one each for liver, kidney, heart and lung. The data on all are accessible only to those who have registry-issued login names and passwords. This cover-up of transplant statistics has to be considered in conjunction with the concealment of death penalty statistics. The Government of China does not publish official death penalty statistics. At the U.N. Human Rights Council Universal Periodic Review for China in February 2009, six different governments (Austria, Canada, France, Italy, Switzerland and the United Kingdom) recommended that China publish these statistics. The government of China publicly and explicitly rejected this recommendation.)

Why is Beijing refusing to disclose both death penalty and transplant statistics? One answer is that, if these statistics became publicly accessible, the discrepancy between the number of transplants and the number of prisoners sentenced to death and executed would then become obvious. The government would be hard pressed not to account for the discrepancy once this information had been disclosed.

The Transplantation Society, based internationally in Montreal, in July 2006 opposed the transplantation of organs from prisoners and in November 2006 opposed the presentations of studies from China involving patient data or samples from recipients of organs or tissues from prisoners. In October, 2007, the W.M.A. entered into an agreement with the Chinese Medical Association that organs of prisoners and other individuals in custody must not be used for transplantation except for members of their immediate family.

The U.N. Rapporteur on Torture and the U.N. Rapporteur on Religious Intolerance in 2007 asked the Government of China to explain the discrepancy between the number of Chinese transplants and the number of sources it is willing to acknowledge. When it failed to respond substantively, the UN mechanisms reiterated their concerns in 2008. The UN Committee against Torture added its own consternation in its November 2008 report on China.

Since that time, there has been a much broader expression of concern to take every necessary step to avoid complicity in human rights violations during organ transplants in China.

### **A Way Forward**

The use of executed prisoners as a source of organs in China is an abhorrent practice because people are being killed for the purpose of providing organs for other people.

This violates elemental human dignity and also delays the development of ethical strategies for recovering organs by consent in China.

Since transplant medicine is under the control of the Chinese government, it is responsible for these practices. Hence, the prevailing situation needs a strong response directed at the Chinese government for the good of the entire medical discipline worldwide.

The international medical community ought to speak with one voice by:

- calling for a boycott of articles on transplantation from China in medical journals,
- boycotting medical conferences held in China on transplantation,
- refusing to provide training in transplant medicine for doctors from China,

- suspending memberships of Chinese doctors in the World Medical Association and other biomedical bodies due to non-compliance with the ethical standards of the organizations, and
- taking a position on pharmaceutical companies doing clinical trials in China relating to transplantation and related matters.

One of world medicine's greatest achievements in the 20th century is its Code of Ethics. This code, the strongest foundation for patient-focused medicine, is near the brink of collapse in the 21st century, spearheaded by the party-state in China.

The best response from the medical community would be to speak up now.

All of us should as well be making concerted efforts to encourage our own national governments to develop a treaty that would ban profit from the products of human origin.

No action is too strong to discourage a practice which violates both the foundation of human dignity-respect for the human body- and the essence of ethical standards in medicine.

Thank you.