

Promoting human rights in a China in transition

by David Matas

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Bo Xilai was a favourite of the Canadian business community. For the Canada China Business Council, Bo was a best friend. Canadian trade missions in China made a point of meeting Bo. Prime Minister Harper, when he went to China this year, went out of his way to meet with Bo Xilai on February 11.

On February 2nd this year, Wang Lijun, the deputy mayor and police chief in Chongqing, was demoted. Four days later he visited the American consulate in Chengdu for a full day. When he left, the Chinese security police arrested him. On March 15, Bo Xilai lost his position as Communist Party General Secretary of Chongqing. On April 10th, he was suspended from the Politburo.

These changes produced a lot of rumours, speculation and analysis, as well as many expressions of surprise. I am a lawyer in private practice in Winnipeg. I am not a member of a China studies department at a university. I am not a diplomat who has been posted to China. I am not a journalist covering Chinese affairs. Yet, when these events happened, perhaps no one was less surprised than I.

For I knew Bo Xilai. I never met him, but I knew who he was. I was lawyer acting for the torture victim in a lawsuit in Ontario against him. There were other similar lawsuits around the world, and in my travels, I had met other plaintiffs suing Bo Xilai elsewhere and their lawyers.

A woman using the pseudonym Annie then in Washington DC told the Epoch Times in a story published in its March 17, 2006 edition that her ex-husband harvested corneas of Falun Gong practitioners in Sujiatun hospital between 2003 and 2005. Annie said other doctors at the same hospital harvested other organs of these victims, that Falun Gong were

killed during the harvesting and that their bodies were cremated.

Falun Gong is an update and blending of ancient Chinese spiritual and exercise traditions. begun in 1992 with the teachings of Li Hongzhi. In 1999, Chinese Communist party chief Jiang Zemin, affronted by its widespread and increasing popularity, led the Party to ban the practice.

Annie's interview led to a controversy about whether or not she was telling the truth. The Government of China, as one might expect, denied what she said. The Coalition to Investigate the Persecution of the Falun Gong, a Washington DC based NGO, asked David Kilgour and me to investigate her claims which we agreed to do.

Sujiatun is a district in the city Shenyang. Shenyang is a city in the province Liao Ning.

Bo Xilai is a princeling. His father was vice premier of China. He was appointed Mayor of Dalian City in Liao Ning Province from 1993 to 2001. He was appointed Deputy Secretary of the Chinese Communist Party for Liao Ning Province in 2000. From February 2001 to February 2004 he was Governor of Liao Ning Province.

While he was in Liao Ning, Bo developed a reputation as a brutal leader of the persecution of Falun Gong. The period that Annie's husband worked in Sujiatun hospital and the period that Bo Xilai was Governor of the province in which the hospital was located overlapped.

Bo in February 2004 went to Beijing where he became Minister of Commerce. While Minister of Commerce, Bo Xilai travelled around the world to promote international trade with China and investment into China. His travelling gave victims the opportunity to serve him with lawsuits for his role in the persecution of Falun Gong in Liao Ning Province. Lawsuits commenced against him in thirteen different countries, including the one in which I am

involved.

The American Consulate in Shanghai wrote in December 2007 to the State Department in Washington:

"Gu [Nanjing's Professor Gu] noted that Bo had been angling for promotion to Vice Premier. However, Premier Wen had argued against the promotion, citing the numerous lawsuits brought against Bo in Australia, Spain, Canada, England, the United States, and elsewhere by Falungong members. Wen successfully argued Bo's significant negative international exposure made him an inappropriate candidate to represent China at an even higher international level."¹

Bo became a member of the Politburo and went from Minister of Commerce in Beijing to Communist Party head of Chongqing in November 2007.

From 2003 to 2008, Wang Lijun was the head of the Jinzhou City Public Security Bureau On-site Psychological Research Center (OSPRC), Liao Ning province. He conducted research on a lingering injection execution method which would allow organ removal for transplants before the person died from the injection. He conducted further research to prevent patients who received organs of injected prisoners from suffering adverse effects from the injection drugs.

In September 2006, he received the Guanghua Science and Technology Foundation Innovation Special Contribution Award for his research and testing of this lethal injection method. In his acceptance speech, he talked about "thousands" of on-site organ transplant cases from injected prisoners in which he and his staff participated. He said "to see someone being killed and to see this person's organs being translated to several other person's bodies is profoundly stirring", a remark that would have worthy of Josef Mengele.

¹ Reference ID, 07Shanghai771, December 4, 2007, paragraph 25, released by Wikileaks

Wang worked under Bo in Liao Ning province in 2003 and 2004. In 2008, shortly after Bo was moved from Beijing to Chongqing, Bo brought Wang from Liao Ning province. Wang held various positions in public security in Chongqing and in 2011 became deputy mayor of the city under Bo.

China has two parallel power structures, a Communist Party structure and a state structure. The Party structure governs the state structure. Every state position up and down the system, in the centre and the regions, has a parallel Party position. It is the Party organ which instructs the parallel state organ.

At its pinnacle, the two structures meet in the same person. The head of the Communist Party of China, its General Secretary, is also President of the State. However, everywhere else in the system, the two components, for the most part, diverge. One person or group forms the state structure. Another person or group forms the instructing Party structure.

State officials are members of the Party and have Party functions. However, typically, their instructing Party functions and their instructed state functions diverge. Through the Party, they control one component of the state system. Through the state, they are controlled by another component of the Party system.

Communism in China ideologically has abandoned its commitment to socialism. However, this shift from socialism to capitalism has not changed the existence of these dual power structures. The Party still instructs the state.

Consequently, when we look to where the power is in China, who does what, we do not, as elsewhere in the world, look to the state; we look to the Party. If we want to know who is in charge, we need to know who is in charge of the Party.

The Communist Party is governed by its standing committee. The standing committee consists of nine individuals with five year term appointments. The last round of appointments was October 2007. So a new round of appointments is coming up soon.

Senior positions in the Communist Party have a retirement age of 68. This time round seven of the nine current members are 68 or over. So this fall there is scheduled to be a massive turnover in the Party leadership.

From a human rights perspective, the most important member of the Standing Committee is the person allocated with the responsibility of heading the Party's committee on legal and political affairs. It is this person primarily responsible for repression and freedom, rule of law and its violation.

The 610 office, the office responsible for the repression of Falun Gong (named after the date of its establishment, the 10th day of the sixth month, June, of 1999) is a Party office, not a state office. The 610 office is the instrument of the Party instructing the police, the prisons, the prosecution and the courts on the repression of Falun Gong. The 610 office falls under the jurisdiction of the Party's legal and political affairs committee.

The current head of the legal and political affairs committee is Zhou Yongkang. From 2002 to 2007 Zhou Yongkang was Minister of Public Security. It is indicative of the nature of the power structure in China that the movement of Zhou Yongkang from a cabinet minister in charge of public security to a Party position as head of a Party committee was considered a promotion. As head of the Party committee on legal and political affairs, Zhou became the Party official responsible for instructing his old ministry of Public Security and his successor Minister of Public Security.

The Party ranks the members of the standing committee. The general secretary has the

first ranking. The head of the political and legal affairs committee has the lowest, the ninth, ranking. Yet, when it comes to respect for human rights and its violations, the power rests with the head of this committee.

Zhou Yongkang was born December 1942. He will be 70 this December. So he is one of the seven slated for retirement with the planned fall turnover of the standing committee. Before he was purged, the person expected to replace him was Politburo member and Chongqing Party secretary Bo Xilai.

The Communist Party is structured as a sequence of committees within committees. The committee at the innermost core is the standing committee. The next outer layer is the Politburo, or Political Bureau of the Central Committee of the Communist Party of China.

Chinese Premier Wen Jiabao, at a closed Communist Party meeting in Zhongnanhai on March 14, is reported to have addressed organ harvesting and Bo Xilai's involvement. A source attributes to Wen these remarks:

"Without anaesthetic, the live harvesting of human organs and selling them for money - is this something that a human could do? Things like this have happened for many years. We are about to retire, but it is still not resolved. Now that the Wang Lijun incident is known by the entire world, use this to punish Bo Xilai. Resolving the Falun Gong issue should be a natural choice."²

The Party announced the next day that Bo lost his position as Communist Party General Secretary of Chongqing.

What happens in China behind closed doors at Communist Party meetings is, by its very nature, not a matter of verifiable public record. What could be seen though by anyone at

² Cheng Jing "Wen Jiabao Pushes for Redressing Falun Gong, Source Says" Epoch Times April 9, 2012.

this time was the lifting of censorship on the killing of Falun Gong for their organs. In late March 2012, search results about organ transplants on the officially sanctioned Chinese search engine Baidu showed information about the work David Kilgour and I did, *Bloody Harvest* and the involvement of Wang Lijun in organ harvesting.

It is hard to let a genie just a little way out of the bottle. Knowledge spreads, even in a society subject to censorship. Selective leaks and references to organ transplant abuse by those involved in the power struggle within China are bound to have an effect beyond the power struggle itself, to have a real impact on the abuse.

The converse is also true. Organ transplant abuse is having a real impact on the power struggle in China.

I was aware that the effort Bo Xilai had made to cultivate the Canadian business community over the years and had suggested to the people in the business community that I knew to stay away from Bo Xilai, that this guy was trouble. When I had heard that Prime Minister Harper was planning to meet Bo Xilai during his trip in February, I publicly urged him not to do so.

This history suggests to me some lessons. The Chinese Communist Party is not a monolith. While the range of policy debate is far more limited than in a democracy, there is some. Moreover, there is no tolerated opposition outside of the Party. The full range of permissible discourse is found within the Party.

There is no one within the Party who adopts and promotes human rights the way we would like. The true Chinese human rights activists are all either in exile or in jail. Within the Party there is no white knight. The Party goes from shades of grey to deepest black. When dealing with China we have to give help to those who are pushing the Party towards

human rights and stay away from those who are using human rights violations to build up their own records.

Wen Jiabao and Bo Xilai are not just two individuals. They represent factions and strands of opinion within the Party. What separates them becomes potentially an element in play in the power struggle between those factions.

The issue is not whether Wen or Bo succeeds as an individual. Bo is now marginalized. However, there are others who have similar views to his. Factionalism and the power struggle in China will not end with the reconstitution of the current standing committee.

For the last five years, during the time of this outgoing standing committee, Chinese discourse on Falun Gong and organ transplant abuse was frozen. When outsiders protested to Chinese officials about the persecution of Falun Gong, the answer came back slandering Falun Gong. When outsiders raised organ transplant abuse in China, the answer came back saying that the organ sources are only prisoners sentenced to death who would be executed anyways, give us time, we will get round to fixing it eventually.

Now, persecution of Falun Gong and organ transplant abuse have become part of the power struggle in China. One side seeks impunity. The other uses violations to discredit their opponents.

However, a power struggle is always more than just that. There are competing values at stake. The side of Bo Xilai is afraid and jealous of a popular, moral, spiritual belief system. The side of Premier Wen Jiabao appreciates the link of Falun Gong to ancient Chinese traditions and values its morality.

Canada in this Chinese debate should not be a silent bystander. While internal power

struggles are normally matters only of internal concern, the persecution of Falun Gong and organ transplant abuse concern all humanity. They are crimes against humanity; crimes against us. We should take advantage of the opportunity this power struggle offers to support the side advocating an end to the persecution of Falun Gong, and an end to organ transplant abuse. In the current Chinese transition, Canada has an interest, for democracy, freedom and human rights, which it must pursue.

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