

Killing of Falun Gong for their Organs: The Alberta connection

by David Matas

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I want to talk about the killing of Falun Gong for their organs from an Alberta perspective. Falun Gong is a blending and updating of ancient Chinese spiritual and exercise traditions. It began in 1992 with the teachings of Li Hong Zhi and quickly spread throughout China with the encouragement of the Government officials who considered the exercises as beneficial to health and to the finances of the health system.

By 1999 Falun Gong practitioners were, according to a Government survey more numerous than the membership of the Communist Party. At this point, out of fear of losing its ideological supremacy and jealousy at its popularity, the Party banned Falun Gong. The Party began a prolonged, persistent, vitriolic national and international campaign of incitement to hatred against Falun Gong prompting their marginalization, depersonalization and dehumanization in the eyes of many Chinese nationals.

Those who did the exercises after 1999 were arrested and asked to denounce the practice. Those who did not were tortured. Those who refused to recant after torture disappeared. David Kilgour and I concluded that many of the disappeared were killed for their organs. While it would take me too far afield to go through all the evidence which led us to that conclusion, I will mention a few bits.

- Investigators made calls to hospitals throughout China, claiming to be relatives of patients needing transplants, asking if the hospitals had organs of Falun Gong for sale on the basis that, since Falun Gong through their exercises are healthy, the organs would be healthy. We obtained on tape, transcribed and translated admissions throughout China.
- Falun Gong practitioners who were detained and after torture recanted and who then got

out of detention and out of China told us that they were systematically blood tested and organ examined while in detention. Other detainees were not. The blood testing and organ examination could not have been for the health of the Falun Gong since they had been tortured; but it would have been necessary for organ transplants.

- Falun Gong practitioners who came from all over the country to Tiananmen Square in Beijing to appeal or protest were systematically arrested. Those who revealed their identities to their captors would be shipped back to their home localities. Their immediate environment would be implicated in their Falun Gong activities and penalized.

To avoid harm to people in their locality, many detained Falun Gong declined to identify themselves. The result was a large Falun Gong prison population whose identities the authorities did not know. As well, no one who knew them knew where they were. This population is a remarkably undefended group of people, even by Chinese standards. This population provided a ready source for harvested organs.

- China maintains what the Government of China euphemistically calls re-education through labour camps. Those Falun Gong who refused to recant disappeared into the camps.

These camps are both arbitrary detention slave labour camps and vast live organ donor banks. The Laogai Research Foundation estimated in 2008 that the number in the camps then currently detained was between 500,000 and two million souls. The United States Department of State's Country Reports for China report that foreign observers estimate that Falun Gong adherents constitute at least half of the inmates in the country's re-education through labour camps.

- 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.

The Party established an office for the repression of Falun Gong called the 610 office, named after the date of its establishment, the 10th day of the sixth month, June, of 1999. The 610 office is a Party office only, not a state office. The 610 office is the instrument of the Party instructing the police, the prisons, the labour camps, the prosecution and the courts on the repression of Falun Gong. Because persecution of the Falun Gong is Party directed, deflecting it, avoiding it, or combating it, is a political impossibility.

- Waiting times for transplants of organs in China are days and weeks. Everywhere else in the world waiting times are months and years. A short waiting time for a deceased donor transplant means that someone is being killed for that transplant.
- There is no other explanation for the transplant numbers than sourcing from Falun Gong. China is the second largest transplant country in the world by volume after the US. Yet, until 2010 China did not have a deceased donation system and even today that system produces donations which are statistically insignificant. The living donor sources are limited in law to relatives of donors and officially discouraged because live donors suffer health complications from giving up an organ.

The Government of China does acknowledge that the overwhelming proportion of organs for transplants in China comes from prisoners but asserts that the prisoners who are the sources of organs are all sentenced to death. Yet, the number of prisoners sentenced to death and then executed that would be necessary to supply the volume of transplants in China is far greater than even the most exaggerated death penalty statistics and estimates. Moreover, in recent years, death penalty volumes have gone down, but transplant volumes, except for a short blip in 2007, remained constant.

Research in reports published in June 2006, January 2007, and in the book *Bloody Harvest*, November 2009 all of which I co-authored with David Kilgour and in the book *State Organs* August 2012 I co-edited with Torsten Trey concluded that the bulk of prisoners who are sources of organs are mostly practitioners of Falun Gong, sentenced to nothing. Ethan Gutmann, in a chapter published in *State Organs*, presents research showing that there are other transplant victim prisoners of conscience - Uighurs, Tibetans and Eastern Lightning House Christians.

The Government of China accepts that sourcing of organs for transplants from prisoners is ethically wrong. The Government in March 2012 committed to ending the reliance on prisoners for organs in five years. The Government further indicated that this phasing out would start in this year, 2013.

A Government official, Deputy Health Minister Huang Jeifu, went further, conceding in a mid November 2006 speech that "too often organs come from non consenting parties". The World Health Organization Guiding Principle 11 requires transparency of sources, open to scrutiny, while ensuring that personal anonymity of donors and recipients are protected. China does not respect this principle, so that claims of consent which sometimes are made, despite what Huang Jeifu said, are unverifiable. As well, because prison is a coercive environment, consent in such a context is not meaningful.

A. The Alberta Falun Gong population

There are six Alberta connections to the killing of Falun Gong for their organs I want to draw to your attention. One is the local Falun Gong population from China.

The victims of persecution of Falun Gong in China are not just in China. They are here in Alberta. Some are here in this audience. These people can tell you in much more specific

detail than I can about

- 1) the politicised Party direction of the persecution of Falun Gong up and down the Chinese power structure, throughout China,
- 2) the incessant, vituperative incitement to hatred against Falun Gong in China,
- 3) the impossibility of getting out a contradictory or even different message about Falun Gong, the total repression of divergent voices,
- 4) the Party insistence on recantation of Falun Gong beliefs in writing,
- 5) the arbitrary detention without prosecution, trial or sentence in mental hospitals, detention centres and re-education through labour camps of those who would not recant,
- 6) the brutal systematic unending dehumanizing torture of those in detention who continue to refuse to recant,
- 7) the systematic blood testing and organ examination of Falun Gong practitioners in detention and the absence of such testing and examination of non-Falun Gong prisoners, and
- 8) the massive population of unidentified Falun Gong prisoners in detention, people who refuse to disclose their identities to anyone to protect their home environment.

The people who lived through these experiences, who can tell you these tales of horror, are not strangers in a far away land. They are our neighbours.

B. The Calgary Consulate incitement

A second connection of the killing of Falun Gong for their organs and Alberta has to do with the activities of the Calgary Chinese consulate. Four individuals while attending a conference at the University of Alberta in Edmonton on June 11, 2004, witnessed two members of the Chinese consulate distributing anti Falun Gong literature. They complained to the police that this literature amounted to a hate crime against Falun Gong. The police agreed. The Edmonton Police recommended prosecution.

Any hate crimes prosecution within Canada must first have the consent of the Attorney General. The Attorney General of Alberta refused consent.

The complainants challenged the decision of the Attorney General not to consent to prosecution in the Alberta Queen's Bench. I acted as their lawyer. I submitted to the Court that the Attorney General of Alberta failed to recognize the causal role of propaganda in China against Falun Gong in the persecution of Falun Gong. The anti-Falun Gong material distributed by the two consulate members has strong similarities to the propaganda that has incited hate within China. Since this sort of material has generated hatred in China, it is compelling evidence that the material would likely expose a person to hatred in Canada.

The application of the complainants was dismissed. Mr. Justice Wilson in April 2007 for the Court did not side with the Attorney General on whether the material amounted to incitement to hatred, but rather refused to overrule the exercise of the discretion of the Attorney General. According to the Court, the matter had to be left to the Attorney General to decide.

C. The CNOOC takeover of Nexen

The Chinese National Offshore Oil Company or CNOOC obtained the approval from the Government of Canada for purchase of the private Alberta based company Nexen. CNOOC has been a bitter and vicious persecutor of Falun Gong. CNOOC's subsidiary in Tianjin, the Bohai Oil Corporation, has its own 610 office subsidiary, called the Falun Gong Treatment Group or Special Case Group.

Bohai/CNOOC's security force and management assisted local police to arrest, detain and send to brainwashing centres or mental institutions their employees who practised Falun Gong. Those sent to mental hospitals, including pregnant women, were injected with nerve damaging drugs.

Falun Gong employees were fined in huge amounts, arbitrarily searched, dismissed, their pay withheld and their possessions confiscated. Those not dismissed were denied benefits and bonuses. They were paid wages equivalent only to the minimum cost of living, regardless of their seniority, position, expertise or education.

There are 77 individual documented verifiable testimonies of this sort of extreme persecution. There are Falun Gong practitioners now in Alberta who worked for CNOOC and were harassed for their beliefs but managed to escape the worst ravages of CNOOC persecution because they got out of China in time. These practitioners personally know others who suffered far worse victimization.

Zeng Qinghong has a central figure in the leadership of the Communist Party. Jiang Zemin was his protege. Zeng was the member of nine member governing body of the Communist Party of China from 2002 to 2007. He was vice president from 2003 to 2008.

Zeng was also a leader in the persecution of Falun Gong. He was the Communist party official to whom the Minister of State Security reported and he made sure that the whole public security system went after Falun Gong.

Zeng, before he went to Beijing and Communist Party Headquarters, worked for CNOOC. Fu Chengyu who became head of CNOOC after Zeng left is a Zeng disciple and crony. Fu was chosen by Zeng. This close connection between Fu and Zeng means that the persecution of Falun Gong has been given the highest priority in CNOOC.

If you are a Falun Gong practitioner, employment for CNOOC in China is the first stop on a train whose final destination, potentially at least for some, is an unmarked white van where your organs are extracted and taken to the nearest hospital. Stops along the way are

meetings with your immediate superior, then the Communist Party officials who run your office, then the local detention centre, then either a mental hospital or a re-education through labour camp.

In my view, in light of this history, the Government of Canada was mistaken in approving the CNOOC takeover of Nexen. Now that the takeover has been approved, the issue of persecution is not over. On the contrary, Albertans should be insisting that their new neighbour stop the persecution of Falun Gong within all CNOOC companies, that all 610 offices in all CNOOC companies be dismantled, that CNOOC admit openly, publicly and in full detail its human rights violating past and that CNOOC compensate fully all its victims for the harm that all CNOOC companies have inflicted.

D. The Shen Yun Performing Arts

Calgary and Edmonton Government theatres, in application of a policy guideline, have required that the orchestra of the Shen Yun Performing Arts be submerged in a pit covered with a dark net for its performances. The company refuses to perform in these circumstances.

Shen Yun is the aesthetic equivalent of Falun Gong, a modernization and blending of ancient Chinese traditions. The hosts in Alberta for Shen Yun are the Calgary and Edmonton Falun Dafa Associations.

Although Alberta officials call the net a safety net, the net in fact creates an unacceptable risk to the dancers by preventing coordination between dancers and the orchestra conductor who, in the pit and under the net, can not see the dancers. The caging of the orchestra in the net also prevents the audience from seeing the blending of Chinese and Western musical instruments. In addition, the musicians understandably feel they are being treated disrespectfully, being required to play, in substance, in a cage.

Shen Yun performs globally. The Alberta Government theatres are the only theatres in the world which have prevented performance with insistence on an inapplicable net requirement.

Now I do not suggest for a moment that the Alberta officials who have in effect blocked the return of Shen Yun are somehow in cahoots with the Government of China in the repression of Falun Gong. Rather the Alberta officials are oblivious to the global environment in which they operate. Their inflexibility, their insistence on a Procrustean one size fits all policy for the net, shows I would suggest not complicity, but rather a blinkered approach, ignorance of the context and consequences of their actions.

The Communist Party of China attempts to suppress the old China, the classical China, the pre-Communist China, the real China. Falun Gong spiritually and Shen Yun aesthetically try to keep this traditional China alive. The Alberta Government theatre management, by putting in place conditions that objectively prevent the performance of Shen Yun, become part, by effect even if not by intent, of this stultification of classical Chinese culture.

The Government of Alberta justifies the insistence on the net by asserting that the net requirement is imposed on everyone. However, as this situation amply demonstrates, there is a big difference between formal and substantive equality, between sameness and equity.

E. Spam

Fake e-mails coming from Beijing spread round the world to discredit Falun Gong. I have received many such e-mails myself. I know how, with technical support, to trace the source of these e-mails and see, by tracing the internet protocol address of the source, that the source is Beijing.

Many of these phoney e-mails target Albertans. In 2010, before the net requirement was imposed in Edmonton and Shen Yun was performing there, anti-Falun Gong spammers sent a wave of e-mails to Edmonton theatre managers in an attempt to stop Shen Yun from performing there. In 2011, e-mails containing diatribes appearing to come from Falun Gong were sent to Edmonton city councillors.

In 2012, a person posing as a Falun Gong practitioner named 'Serena,' thanked Edmonton East MP Peter Goldring by e-mail for supporting Falun Gong and Shen Yun Performing Arts, and told him that she had spread posters featuring his image around the world with the words 'Peter supports Falun Dafa!' written on them. When Goldring expressed his concern that his image was being used without permission, Serena told him he would be 'punished' if he opposed her actions.

An e-mail sent to a Southern Alberta Jubilee Auditorium manager involved in the dispute with Shen Yun Performing Arts written in broken English accused the manager and Alberta Culture Minister Heather Klimchuk of being 'evil' if they did not show support for Shen Yun. The e-mail said that those who oppose the show will be 'punished.'

These e-mails make Falun Gong appear irrational, zealous, and unbalanced. They appear to aim to discredit the group and their activities.

None of the senders identified in these e-mails are known to local Falun Gong practitioners and their messages are uncharacteristic of Falun Gong. The Alberta recipients have not, to my knowledge, sought technical support to identify the source of these e-mails. They should do so.

F. Isotechnika

Information on the internet in the spring of 2012 showed that the Edmonton based company Isotechnika intended to commence clinical trials in the end of August 2012 in China of the anti-rejection drug Voclosporin under a contract with the Chinese company 3SBio. The drug would be used in kidney transplant patients.

David Kilgour and I wrote last July to the Government of Canada Minister of Health, the United States Commissioner of Food and Drugs, and the European Medicines Agency Executive Director requesting that their agencies indicate that, in deciding whether to approve the anti-rejection drug Voclosporin for use within your jurisdiction, they would not accept data generated from clinical trials in China. We wrote to these agencies:

"Clinical testing in China of transplant anti-rejection drugs do not, in our view, meet international standards of transparency, traceability, and informed consent with special regard to vulnerable populations. There is nothing now in place, as far as we can see, that would allow your agency to be satisfied beyond a reasonable doubt that the sourcing of the organs for the clinical trials of Voclosporin is proper."

We also wrote Isotechnika itself asking them to commence a moratorium on trials in China for Voclosporin until such time as transparency allows independent outsiders to be satisfied beyond a reasonable doubt that the sourcing of organs for those trials meets international ethical standards. These letters generated responses and discussions, but no concrete commitments.

Isotechnika has not, as far as I know, to date commenced the conduct of these trials in China but also has not publicly renounced the intention of conducting them. The drug company Novartis in August 2010 issued a statement that the company was observing a moratorium for its clinical immunosuppressive drug trials in China. Isotechnika should do the same.

Conclusion

These six Alberta connections to the persecution of Falun Gong may seem to be a sequence of bits and pieces. Yet, they should be considered as a whole.

The failure to appreciate that victims of the persecution of Falun Gong are here, the refusal to prosecute Chinese Calgary consulate officials for incitement to hatred against Falun Gong, the approval of the CNOOC takeover of Nexen, the insistence on a net requirement for Shen Yun which prevents their performance, the inaction about tracing the phoney spamming anti-Falun Gong e-mails, and the failure of a local pharmaceutical company to commit to a moratorium on the conduct of clinical trials in China of anti-rejection drugs have a cumulative effect. They both manifest and foster ignorance and blindness.

Where is the coordination, the strategy, in Alberta, to combat the persecution of Falun Gong and, in particular, the killing of Falun Gong for their organs? It seems nowhere to be found.

How high a priority in Alberta does the combat against the persecution of Falun Gong and, in particular, the killing of Falun Gong for their organs have when Canadians are faced with competing considerations? The priority it seems is not that high. Competing considerations all too often carry the day.

When we put all the different bits and pieces together, the picture that forms is not pretty. Canadians have been doing far less in Alberta than we could to combat the persecution of Falun Gong and, in particular, the killing of Falun Gong for their organs.

We cannot act unless we see. People concerned about human rights violations often wring their hands, asking what can we possibly do about them? The answer is a lot, when the consequences are right here in front of us. By disassociating the various components of

the Alberta consequences, by disconnecting the Alberta consequences from their Chinese sources, we present unnecessary obstacles to perceiving and combating the persecution.

Do you want to do something about the killing in China of the Falun Gong for their organs?
If so, I suggest do something now, here, in Alberta.

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