

INTERNATIONAL ORGAN PILLAGING PRACTICES

Hon. David Kilgour, J.D.

Joint conference of International Organ Transplant Care Association and
Foundation of Medical Professionals Alliance,
Convention Centre, National Taiwan University Hospital
Taipei, Taiwan
28 Feb 2013

China's 5000-year-old civilization has given much to the world and is richly deserving of respect. In this submission, however, the focus is on party-state practices imported from European Marxism-Leninism since 1949. The systematic abuse of individuals and groups deemed "enemies" of the Party has, inter alia, resulted in widespread pillaging of vital organs from Falun Gong practitioners for commercial transplantation purposes.

When Falun Gong exercises and principles were initially introduced to the Chinese public in 1992, the Party not only acquiesced, but assisted, inviting the movement's founder to teach in government facilities and praising Falun Gong for the benefits it introduced to public health and ethics.

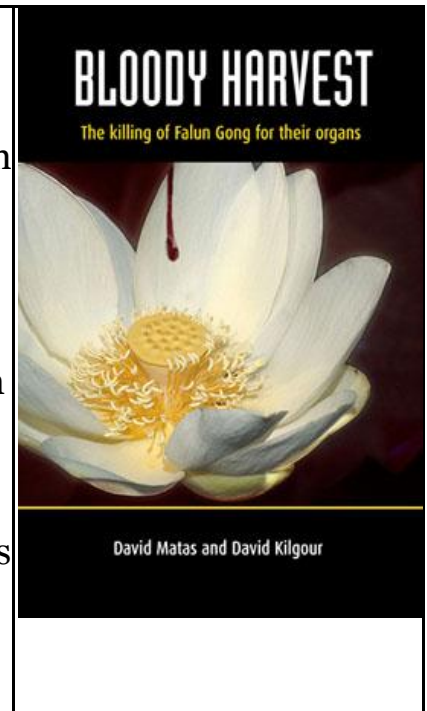
The more Falun Gong grew, the more resistance it faced, no doubt because some Party leaders feared any large, independent group. When a Falun Gong book became a bestseller in 1996, it was banned. When a government survey estimated that more than 70 million Chinese were practitioners in the mid-'90's, more than the Party's own membership, party-state media began attacking the movement and security began to harass practitioners.

The February 14, 1999 issue of U.S. News & World Report cited an official in the Sports ministry saying that each Falun Gong practitioner was saving the state 1,000 yuan in health spending yearly because of its healthy life style. Then Party leader Jiang Zemin, nonetheless, made an overnight decision to eradicate it, even though many members of the Politburo were familiar with the practice and many Party members were doing the exercises. On July 22, 1999, the Falun Gong movement was officially banned, thus launching a protracted and violent campaign of persecution, which continues today. Throughout, practitioners have responded with non-violence and dignity.

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, Matas and I concluded that for 41,500 transplants the only plausible 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 involuntarily 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



International Initiatives

UN

Since 2006, several UN Special Rapporteurs have asked China’s government for an explanation of the serious allegation about organ pillaging from live Falun Gong practitioners. They pointed out to the government that a full explanation would disprove the allegations, but it has provided no meaningful answer, simply denying woodenly the charges. The experts then asked for the source of organs for organ transplant operations.

The first request was sent on August 11, 2006 jointly by Special Rapporteur on Torture, Prof. Manfred Nowak, Special Rapporteur on Freedom of Religion, Ms. Asma Jahangir, and Special Rapporteur on Trafficking in Persons, Ms. Sigma Huda ¹

“Organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations for the purpose of making available organs for transplant operations. Vital organs including hearts, kidneys, livers and corneas were systematically harvested from Falun Gong practitioners at Sujiatan Hospital, Shenyang, Liaoning province, beginning in 2001. The practitioners were given injections to

¹ .¹ (<http://falunhr.org/reports/UN2007/Torture-UN-07.pdf>, paragraph 40; also <http://falunhr.org/reports/UN2007-org/FreedomExpression-UN-07.pdf>; para. 107-111):

induce heart failure, and therefore were killed in the course of the organ harvesting operations or immediately thereafter.”

“108. It is reported that employees of several transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants. After the organs were removed, the bodies were cremated, and no corpse is left to examine for identification as the source of an organ transplant. Once the organs were removed they were shipped to transplant centres to be used for transplants for both domestic and foreign patients. Officials from several detention facilities have indicated that courts have been involved in the administering the use of organs from Falun Gong detainees.”

The Chinese authorities replied to the Special Rapporteurs’ with a categorical denial. Jahagir and Nowak followed up with a second joint letter on Jan. 25, 2007.² In a later report submitted to the Human Rights Council, Tenth session, Nowak stressed that “New reports were received about harvesting of organs from death row prisoners and Falun Gong practitioners.”³

Independent experts of the United Nations Committee against Torture also addressed the issue of organ harvesting from Falun Gong practitioners⁴ in Nov. 2008:

“information received that Falun Gong practitioners have been extensively subjected to torture and ill-treatment in prisons and that some of them have been used for organ transplants.”

The committee recommended that Chinese authorities investigate and punish those responsible for forced organ harvesting from Falun Gong:

² <http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm> (document number: A/HRC/7/3/Add.1) and from <http://www2.ohchr.org/english/bodies/hrcouncil/7session/reports.htm> (document number: A/HRC/7/10/Add.1):

³ <http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm> (document number: A/HRC/10/44/Add.5).

⁴ one report with the document number of CAT/C/CHN/CO/4 (full text available from <http://www2.ohchr.org/english/bodies/cat/cats41.htm>),

“The State party should immediately conduct or commission an independent investigation of the claims that some Falun Gong practitioners have been subjected to torture and used for organ transplants and take measures, as appropriate, to ensure that those responsible for such abuses are prosecuted and punished.”

European Parliament

In September 2006, The European Parliament conducted a hearing (Matas and I testified) and adopted a resolution condemning the detention and torture of Falun Gong practitioners, and expressing concern over reports of organ harvesting; the issue was also raised by direction of the EU troika leadership through the Finnish Foreign Minister Tuomioja meeting bilaterally with China's Foreign Minister Li Zhaoxing at the EU-China summit that year in Helsinki.

On December 1, 2009, the European Parliament Human Rights Subcommittee held hearings on organ transplant abuse in China. The European Parliament resolution of 19 May 2010⁵ "Action plan on organ donation and transplantation (20092015)" states in part:

"Notes the report of David Matas and David Kilgour about the killing of members of Falun Gong for their organs, and asks the Commission to present a report on these allegations, along with other such cases, to the European Parliament and to the Council;"⁶

On December 6, 2012 organ pillaging in China was among the main topics in a hearing in European Parliament on Human Rights in China. David Matas testified.

Taiwan

In August 2007, Hou Sheng-mao, then Director of your Department of Health, reported requesting Taiwanese doctors not recommend to their patients to travel to mainland China for transplants. This conference has today already heard a number of your own national and international medical experts speak about appalling organ pillaging practices in China, including indications that some of your own doctors are acting as brokers for Taiwanese nationals going to China for organs.

⁵ 2009/2104(INI)

⁶ Paragraph 39.

Australia

In December 2006, the Health Ministry announced the abolition of training programs for Chinese doctors in organ transplant techniques at the Prince Charles and the Princess Alexandra Hospitals, as well as banning joint research programs with China on organ transplantation.

Canada and Belgium

Two Belgian senators Patrik Vankrunkelsven and Jeannine Leduc introduced into the Belgian Parliament on November 30, 2006 a law which addresses organ transplant tourism. Former Canadian MP Borys Wrzesnewskyj introduced into our House of Commons extraterritorial legislation banning "transplant tourism" in 2008. 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.

France

French parliamentarian Valérie Boyer on 19 October 2010 and other members of the National Assembly proposed a law, which sets out certificate and reporting requirements similar to Canada's proposed law. It would require every French resident who undergoes an organ transplant abroad to acquire at the latest 30 days afterwards a certificate stating that organ was donated without payment. The organ recipient must provide the certificate to the French Biomedical Agency before returning to France.

Israel: Dr. Jay Lavee explained earlier today why Israel came in 2008 to pass a law banning the sale and brokerage of organs, ending funding through the health insurance system of transplants in China for Israeli nationals. He also noted a number of interesting initiatives taken to encourage nationals to donate organs, including giving donors priority for transplants.

United States

In September 2006, the Congress held a hearing on organ harvesting from Falun Gong practitioners. Four witnesses testified, including Matas and myself.

http://commdocs.house.gov/committees/intlrel/hfa30146.000/hfa30146_of.htm

On Oct. 3 2012, 106 Members of Congress wrote to then Secretary of State Clinton, urging her to release information on organ pillaging in China from

Falun Gong practitioners and other religious and political prisoners, and for the release of any information it might have that former Chongqing deputy mayor Wang Lijun is believed to have provided during his brief sanctuary in a U.S. consulate in February. Wang was directly involved in organ harvesting practices. He founded a research centre on organ transplantation while he was police chief of Jinzhou City in Liaoning province. It conducted several thousand organ transplant operations with unexplained organ sources.

The full text of the letter is available at

<http://en.minghui.org/html/articles/2012/10/7/135751.html>

The letter referred to a Sept. 12 House hearing, “Organ Harvesting of Religious and Political Dissidents by the Chinese Communist Party.”

Written testimonies from the hearing are accessible at:

<http://foreignaffairs.house.gov/hearings/view/?1468>

The State Department finally acknowledged, albeit weakly, in its 2011 Human Rights Report, released in May 2012, that “Overseas and domestic media and advocacy groups continued to report instances of organ harvesting, particularly from Falun Gong practitioners and Uighurs.”

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrap>
[per](#)

From June 2011, the online U.S. non-immigrant visa application, Form DS-160, requires the following information from the applicant: “Have you ever been directly involved in the coercive transplantation of human organs or bodily tissue?”

NGOs and Medical Organizations

Various NGOs and medical organizations have issued statements urging the investigation and measures to stop the forced organ pillaging from prisoners of conscience, particularly Falun Gong. Some examples:

- In 2007, the Transplantation Society introduced new policy on interactions with China, against using the organs from prisoners.
https://www.dafoh.org/TTS_policy_on_Interactions.php
- The policy of the WMA (World Medical Association) includes now a paragraph that organ donation from prisoners is not acceptable in

- countries where the death penalty is practiced. This is a new policy.
- The NGO Doctors Against Forced Organ Harvesting (DAFOH) was founded by MDs alerted by coerced organ harvesting from prisoners and prisoners of conscience in China. DAFOH seeks to promote ethical standards in medicine and to end forced organ pillaging across China. It informs medical communities as well as publics about these practices by articles and essays in medical and non-medical journals, presentations at fora and media interviews. In 2012, DAFOH provided speakers for both U.S. Congressional hearings on the FOH topic (Sept 12; Dec. 18). In 2012, DAFOH initiated several petitions in Europe, Australia and U.S. (including the so-called White-House-Petition) calling for an end of organ pillaging in China and further investigation through the UNHRC. Within 3 months, the petitions garnered 250,000+ signatures. At a follow up visit, the UNHRC recognized the amount of signatures as ‘impressive’

Individual initiatives

- Edward McMillan-Scott, Vice-President of the European Parliament and rapporteur for the EU's Instrument for Democracy and Human Rights, traveled to China in May 2006 on a fact finding mission to investigate organ harvesting and has since repeatedly condemned the organ harvesting from Falun Gong practitioners in China. ([news](#))
- In 2007, Dr. Tom Treasure, writing in the Journal of the Royal Society of Medicine, found the allegations credible, particularly in the context of the role doctors played in the Holocaust. (See: “[The Falun Gong, organ transplantation, the holocaust, and ourselves](#)”)
- In 2007, a petition signed by 140 Canadian physicians was presented to the House of Commons urging the government to issue travel advisories warning people that organ transplants in China include the use of organs harvested from non-consenting donors such as Falun Gong practitioners.
- In 2008, a special rabbinical council in Israel ruled that the Beijing regime has been responsible for the killing of Falun Gong practitioners, perhaps because of material benefits derived from organ harvesting.
- In 2008, The Weekly Standard magazine featured a cover story on organ harvesting, authored by Ethan Gutmann, adjunct fellow at the

Foundation for the Defense of Democracies ([full story](#)). It described systematic medical testing of Falun Gong practitioners.

In July 2012, Dr. Torsten Trey and David Matas published a volume on organ transplant abuse in China, including the killing of Falun Gong prisoners of conscience. The book, State Organs, is a collection of essays by leading medical professionals and other commentators from four continents who have researched organ harvesting in China. It consolidates evidence of these abuses, discusses their ethical implications, and provides insight on how to combat these violations. The Ebook is available from Amazon:

http://www.amazon.com/s/ref=nb_sb_ss_i_1_12?url=search-alias%3Ddigital-text&field-keywords=state+organs+transplant+abuse+in+china&prefix=state+organs%2Cdigital-text%2C256

- On December 2, 2012, three medical doctors, Arthur Caplan, Alejandro Centurion and Jianchao Xu, initiated a petition calling upon the Obama administration to investigate and help stop forced organ harvesting from Falun Gong in China. The petition is posted within the “We the People” section of the White House website. The petition is available at: <http://wh.gov/5Jmn>.

Unfortunately, these and other initiatives have not yet ended the trafficking in organs from involuntary “donors” across China.

China

The government of China now accepts that sourcing of organs from prisoners is improper. Deputy Health Minister Huang Jeifu in 2009 stated that executed prisoners “are definitely not a proper source for organ transplants.” In 2005, Huang admitted that over 95% of the organs transplanted in China came from executed prisoners. China had been denying using prisoners’ organs prior to this admission.

In 2006 a World Medical Association resolution demanded that China stop using prisoners as organ donors, and in 2007 the Chinese Medical Association agreed to do so. In 2010 at a transplant conference in Madrid, Minister Huang stated that between 1997 and 2008 China had performed more than 100,000 transplantations, with over 90% of the organs being from executed prisoners.

Human rights organizations fear the number could be even higher. Roseanne Rise, from Amnesty International, says, "We're concerned that prisoners aren't really independent enough to give meaningful consent... When they're under the control of the state and dependent on it for all of their daily needs it's difficult to assess whether they're really giving voluntary consent."

In February of 2012, Huang again stated that the practice of organ harvesting from prisoners continues in China today, but that the government wants to phase it out by 2015 and build up a national donation scheme. This will be very difficult to do because many Chinese are unwilling to donate their organs.

Before the government abolishes organ harvesting from executed prisoners, tens of thousands more will be killed for their organs. Since Matas and I began our voluntary work, the number of convicted persons sentenced to death and then executed has decreased, but the number of transplants, after a slight decline, rose to earlier levels. Since the only other substantial sources of organs for transplants in China, apart from Falun Gong, are prisoners sentenced to death, a decrease of sourcing from that population means an increase in sourcing from Falun Gong.

In the past, the death penalty was administered by gunshot, but lethal injection is now the most common practice because organs are preserved. Most executions in China take place in mobile buses, which are often parked next to hospitals.

Corporate Social Responsibility

Some pharmaceutical companies, such as Novartis and Pfizer, have voluntarily pulled away from trials of anti-rejection drugs in China because of ethical concerns. There is, however, need for binding national regulation. Arne Schwarz in *State Organs* and David Matas in a speech detailed a wide range of trials of anti-rejection drugs done in China. Some were conducted in hospitals from which our telephone investigators obtained admissions that they were selling organs of Falun Gong.

Recommendations

For organs trafficked in China, Matas and I would encourage Taiwanese legislators and all parliaments 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 and regulate a legitimate organ donor system;
- open all detention centres, including forced labour camps, for international investigation; and
- free Gao Zhisheng and many other prisoners of conscience.

Implement the following measures until organ pillaging from prisoners ceases:

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

Conclusion

Taiwan should enact measures to combat international organ transplant abuses: extraterritorial legislation, mandatory reporting of transplant tourism, health insurance systems not paying for transplant abroad, barring entry of those involved in trafficking organs.

Many of us in and beyond China ought now have greater impact on the future of this grave matter, not only because it is necessary for tens of millions of Chinese Falun Gong practitioners and their families, who have been torn apart across China, but also because it is good for China and the international community as a whole. We all want a China that enjoys the rule of law, dignity for all and democratic governance.

Thank you.