

SUBMISSION TO UK PARLIAMENTARIANS ON ENDING ORGAN PILLAGING IN CHINA

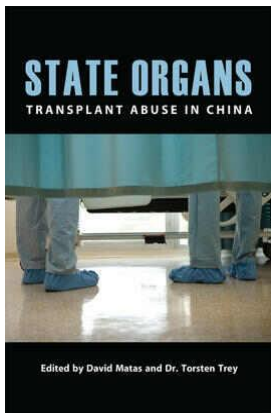
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Hon. David Kilgour, J.D.
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This presentation is about one instance of systematic violence committed by China's party-state since 1949 on its deemed enemies: the large scale pillaging of vital organs from Falun Gong practitioners for commercial transplantation purposes. No-one survives these operations because all organs are seized and the bodies of "donors" are then cremated.

David Matas and I located numerous kinds of evidence about this commerce underway since 2001. According to research set out in our book, *Bloody Harvest*, Falun Gong have been killed in the thousands since 2001. For the period 2000-2005, for example, we arrived at the figure of 41,500 such transplants by deducting from the 60,000 transplants claimed by the government for the period, which seemed reasonable to us, our best estimate of the number of executed criminals (18,550).

State Organs



In the 2012 book *State Organs*, writer/researcher Ethan Gutmann estimates that 65,000 Falun Gong were killed for their organs during the years 2000-2008, selected from about 1.2 million of them interned in China's forced labour system (Laogai). Similar to camps created by Hitler's Germany and Stalin's Russia, on which the ones across China were adapted by Mao in the 1950s, a police signature remains sufficient to commit anyone to one of them for up to three years. Mark Mackinnon of Canada's *Globe and Mail* put it well, "No charges, no lawyers, no appeals". In 2007, a U.S. government report estimated that at least half of the inmates in 340 such camps were Falun Gong. Leninist governance and 'anything is permitted' economics encourage organ trafficking to continue across China.

Falun Gong (or Falun Dafa) is an exercise and spiritual discipline which seeks to improve body and ethics. It contains features of traditional systems, like Chinese Qigong, Buddhism and Daoism (Taoism), combined with gentle exercises. Because the number of Chinese nationals practising Falun Gong grew astonishingly rapidly from its inception in 1992 and its values, such as truth, compassion and forbearance, were out of sync with those of the Communist party, the Party saw it as a threat, labelled it a cult, and commenced persecution against its practitioners from mid-1999 onward to the present day.

After 1980, the post-Mao Party had begun withdrawing funds from the health system, requiring it to make up the shortfall from service charges to mostly uninsured patients. Selling the organs of executed convicted persons became a source of income for surgeons, the military and other participants. After 1999, Falun Gong prisoners of conscience became another live organ bank for wealthy Chinese patients, who often preferred that "donors" were Falun Gong, being healthy persons normally rather than convicted prisoners, and 'organ tourists' from abroad.

Matas and I visited about a dozen countries to interview Falun Gong, who managed to leave both the camps and the country. They told us of working in appalling conditions for up to sixteen hours daily with no pay and little food, crowded sleeping conditions and torture. Inmates made a range of export products as subcontractors to multinational companies. This constitutes both corporate irresponsibility and a violation of WTO rules; it calls for an effective response by all trading partners of China. Our governments should ban forced labour exports by enacting legislation which places an onus on importers in each country to prove their goods are not made in effect by slaves.

Constructive Engagement

The responsible international community should, to be sure, engage as constructively as feasible with the new government in Beijing, while pressing it to end organ pillaging. Democracy with very Chinese characteristics is probably closer than many of the sinocynics think. The values we represent on this and related matters are universal, including equality for all citizens, the rule of law and independent judges, multiparty democracy, corporate social responsibility and the need for manufacturing jobs everywhere. The people of China should know that democrats everywhere stand with them, not their government, just as we did with central/east Europeans during the Cold War and with South Africans during the lead up to the release of Nelson Mandela from prison and his election as president of a democratic nation.

International Initiatives re Organ Pillaging

United Nations

Since 2006, several UN Special Rapporteurs have asked China's government for an explanation 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 answers, simply denying the charges.

Two points made by concerned Special Rapporteurs:

- “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. The practitioners were given injections to induce heart failure, and therefore were killed in the course of the organ harvesting operations or immediately thereafter.”
- “It is reported that employees of several transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants. Officials from several detention facilities have indicated that courts have been involved in the administering the use of organs from Falun Gong detainees.”

The party-state responded only with a denial. The Rapporteurs, however, later declared: “New reports were received about harvesting of organs from death row prisoners and Falun Gong practitioners” and “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.”

In 2008, the United Nations Committee against Torture recommended that Chinese authorities investigate and punish those responsible for forced organ pillaging.

European Parliament

In September 2006, the European Parliament conducted a hearing and adopted a resolution, condemning the detention and torture of Falun Gong and expressing concern about organ harvesting. The issue was also raised by direction of the EU troika leadership through the Finnish foreign minister meeting bilaterally with China's counterpart at the EU-China summit that year in Helsinki.



Hearing in European Parliament on organ harvesting on 29 Jan, 2013

On December 1, 2009, the E.U. Parliament`s Human Rights subcommittee held hearings on organ transplant abuse in China. The European Parliament resolution of 19 May 2010 ("Action plan on organ donation and transplantation") states in part:

"Notes the report... 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;"¹

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 its Department of Health, reported requesting Taiwanese doctors not to recommend to patients to travel to China for transplants. The Taipei bar association this year passed a resolution, condemning 'organ tourism' in China.

Canada and Belgium

In 2006, Two Belgian senators introduced into their Parliament a law to address organ transplant tourism. Former Canadian MP Boris 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

Valérie Boyer and other members of the National Assembly proposed a law in 2010 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.

¹ Paragraph 39.



Valérie Boyer



Dr. Jacob Lavee

Israel

In 2008 passed a law banning the sale and brokerage of organs and ending funding through the health insurance system of transplants in China for Israeli nationals. It also offered a number of interesting initiatives to encourage nationals to donate organs, including giving priority for transplants to persons who sign donor cards. After the bill, sponsored by Dr Lavee and others, was enacted, all ‘organ tourism’ from Israel to China ceased immediately.

Australia



In December 2006, the Queensland 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. In New South Wales, MP David Shoebridge has introduced in its parliament a bill which would ban residents from obtaining trafficked organs anywhere.

Prof. Maria Fiatarone Singh spoke in Parliament House, Canberra, on March 20, 2013.

United States

In September 2006, its Congress held a hearing on organ harvesting from Falun Gong.
http://commdocs.house.gov/committees/intlrel/hfa30146.000/hfa30146_0f.htm



US Congress



Rep. Chris Smith

On Oct. 3 2012, 106 Members of Congress wrote then Secretary of State Clinton, urging her to release information on organ pillaging in China from Falun Gong and other religious and political prisoners, and for the release of any information it might have that former Chongqing deputy mayor Wang Lijun, who was directly involved in organ harvesting practices, provided during his sanctuary in a U.S. consulate in February.



Wang Lijun (right)

The State Department acknowledged in its 2011 Human Rights Report 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#wrapper>

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 medical organizations have issued statements urging the investigation and measures to stop organ pillaging from prisoners of conscience, particularly Falun Gong. 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.
- The NGO Doctors Against Forced Organ Harvesting (DAFOH) seeks to promote ethical standards in medicine and to end forced organ pillaging in China. 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 three months, the petitions garnered 250,000+ signatures.

Recent Individual initiatives

- 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. *State Organs* is a collection of essays by leading medical professionals and other commentators, which consolidates evidence of these abuses, discusses their ethical implications, and provides insight on how to combat these violations.
- 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.
<http://wh.gov/5Jmn>.

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

China



Huang Jeifu

Former Deputy Health Minister Huang Jeifu and other Party members denied until 2006 that any organs came from convicted prisoners. That year, Huang admitted that over 95% of the organs transplanted in China came from executed prisoners. In 2010 at a Madrid conference, he added that between 1997 and 2008 China had performed more than 100,000 transplantations, with over 90% of the organs being from executed prisoners.

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."

Since Matas and I began our 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.

Huang has now admitted to doing two liver transplantations weekly himself for many years, which makes him an ongoing active participant in violating international medical ethics.

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

Matas and I would encourage your 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:

- 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

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

Many of us in and beyond China ought now to seek a 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, but also because it is good for China and the international community as a whole.

Thank you.