

Flip flopping in China over sourcing organs from prisoners

by David Matas

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I want in this talk to cover two topics: the evidence on the killing of Falun Gong for their organs; and recent developments in China on this issue.

Evidence

I am a lawyer in Winnipeg, Manitoba, Canada in private practice. My clients are primarily refugee claimants seeking protection in Canada. I have been engaged in this professional work for almost all of my professional career.

Because my clients flee human rights violations, I have become familiar through my work with the human rights situation in many countries, including China. I try, as best I can, not only to assist my clients in obtaining protection, but also to combat the human rights violations which caused them to flee. In addition to tribunal and court work for individual clients, I have become involved in research, writing, advocacy and activism in the broader human rights scene.

Because of my professional work on human rights and refugees, I knew about the persecution of the practice of Falun Gong in China more or less from the time it started. I knew that Falun Gong was a set of exercises with a spiritual foundation, started in 1992 with the teachings of Li Hong Zhi, initially encouraged by the Communist Party but then repressed in 1999 after it got too popular.

A woman with the pseudonym Annie made a public statement in Washington DC in March 2006 that her ex-husband had been harvesting corneas of Falun Gong practitioners in Sujiatun Hospital in Shenyang City in Liaoning province from 2003 to 2005. Other doctors had been harvesting other organs. The Falun Gong practitioners were killed through the

organ extraction and their bodies were cremated. The organs were sold at high prices to transplant tourists. The Chinese government immediately denied what Annie said.

Annie's statement and the Chinese government denial were two of the many human rights stories which pop up on my computer every day. Shortly after, a Washington based NGO, the Coalition to Investigate Persecution against the Falun Gong asked me and David Kilgour to investigate whether what Annie said was true.

It is common for me to be asked to assist in human rights work. This request though was unusual though because of the difficulties it posed.

Though I knew full well that in China practitioners of the exercises Falun Gong were being persecuted, that did not mean that they were being persecuted in this particular way, being killed for their organs. The Coalition who asked us to do the research did not give us any data, any money or any instructions. For my part, I had no idea whether what Annie said was true or not.

Her story presented a conundrum. How was it possible to know whether what Annie was saying was true or not? The question was not just, how do we prove what Annie said if it is true? The question was also, how do we disprove what Annie said if it is not true?

The situation the testimony of Annie presented was this. She was saying that there were no victims to interview because the victims were all killed. There were no bodies to autopsy because the bodies were cremated. There was no crime scene to visit, since the crime scene, an operating theatre, would have been cleaned up immediately afterwards. There were no accessible records, since what records there are belong to Chinese hospitals and prisons, labour camps and detention centres, none of which are publicly available. The sole witnesses available were perpetrators who were unlikely publicly to confess to crimes

that they had committed.

The question whether what Annie said was true was difficult enough that it was unlikely to get much of a response either from human rights NGOs or inter-governmental organizations or the media. Human rights NGOs, though they have some research capacity, are for the most part campaign organizations. They look for the easily verifiable, not just because it makes research easier, but also because it makes campaigning easier. Inter-governmental organizations have little internal research capacity and tend to rely on the work of NGOs. As for the media, they cater to readers, listeners and viewers with short attention spans. If a story can not be told quickly and simply, it normally can not be told at all.

Addressing a claim of human rights violations with little or no evidence is a situation to which I am quite accustomed. That, in fact, is my daily work as a refugee lawyer.

Refugee claimants come to my office with stories of horror, the clothes on their backs and little else. They of course have this advantage that they are witnesses to what happened to them. Yet, they are often faced with sceptical refugee judges who suspect that they are economic migrants making up stories in order to move from a poor country to a rich country. Are the stories these clients tell true or not true? Answering that sort of question is not that different from assessing the truth of the story Annie told.

Often when victims or their representatives come to me for general assistance to combat a human rights situation abroad, I can send them off to the media or the local Member of Parliament or a human rights NGO or a UN human rights mechanism. I realized though that, for what Annie said, that would not do. If something was going to be done, David Kilgour and I were going to have to do it ourselves.

But the question was what was that something to be? I began constructing imaginary

evidentiary trails, trails that would either prove or disprove all the allegations. In doing so, I followed four principles.

One was never to rely on rumour or hearsay. If someone told me what someone else told him or her, I put the information to one side.

Second, I refused to rely on information from perpetrators. In the course of our work, some perpetrators did come forward to offer testimony, subject to various conditions. I turned all such offers aside, partly because I wanted to have nothing to do with perpetrators and partly because I have in the past found in other contexts perpetrator information to be self exonerating and unreliable.

Third, I insisted that all information I saw anyone else could see. No one, after our work was done, had to rely on our conclusions. Anyone who wanted to do so could look at the information we considered and come to his or her own conclusions.

Fourth, I determined not to draw conclusions either one way or the other based on one bit of evidence only. Rather I intended to have regard to all the evidence before coming to any conclusion.

The conclusion was that Falun Gong practitioners have been and are being killed for their organs. While it would take far too long for me to go through all the evidence which led to that conclusion, I will mention here 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 practitioners 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 and non-Falun Gong practitioners alike who were detained and who then got out of detention and out of China told that

1) Falun Gong practitioners 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 practitioners since they had been tortured; but it would have been necessary for organ transplants.

2) 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 practitioners declined to identify themselves. The result was a large Falun Gong practitioner population in detention 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.

3) The Party has engaged in a prolonged, persistent, vitriolic national and international campaign of incitement to hatred against Falun Gong. The campaign has prompted their marginalization, depersonalization and dehumanization in the eyes of many Chinese nationals. To their jailors, Falun Gong are not human beings entitled to respect for their human rights and dignity.

- Patients we interviewed who went to China for transplants told that

1) 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.

2) There is a heavy militarization of transplantation in China. Hospitals with a ready supply of available organs are often military hospitals. Even in civilian hospitals, the doctors performing operations are often military personnel. The military have a common culture with prison guards and readier access to prisoners as organ sources than civilian hospitals and civilian personnel do.

In China, the military is a conglomerate business and the sale of organs is a prime source of funds. Military hospital web sites used to boast this fact before we started quoting them. Though they have since taken down the boasts, we archived this information so that independent researchers can still see them.

3) There is an inordinate secrecy surrounding transplantation in China. The names of doctors are not identified. Patients are not allowed to bring their own doctors with them. Before our 2006 report came out, Chinese doctors used to provide letters to patients indicating the treatment given and counselled. The letters ceased after the publication of our report.

- The standards and mechanisms which should be in place to prevent the abuse are not in place, neither in China nor abroad. International organ transplant abuse should be treated like international child sex tourism, an offence everywhere with extraterritorial effect. However, so far that is not the case.

On the one hand, we have organ transplant abuse which is possible without legal consequences. On the other hand, we have huge money to be made from this abuse, as

well as desperate patients in need of transplants. This combination is a recipe for victimization of the vulnerable. Standards and mechanisms to prevent the abuse need to be introduced.

- There is no other explanation for the transplant numbers than sourcing from Falun Gong practitioners. 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 relatively small. Until 2013, China did not have an organ distribution system. The organ distribution in place today is limited to the relatively small number of donated organs, and does not distribute organs from prisoners. 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 at first took the position that all organs came from donations, even though at the time they did not have a donation system. They then acknowledged that the overwhelming proportion of organs for transplants in China came from prisoners but asserted that the prisoners who are the sources of organs are all sentenced to death. Falun Gong practitioners have been given short sentences for disrupting social order or sentenced to nothing.

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.

Going through all relevant evidence to come to an informed conclusion either one way or the other on the killing of Falun Gong for their organs is a time consuming task, and it may

be unrealistic to expect everyone interested in the issue to do that. I do not expect all other interested in the issue to replicate our research, though I would be pleased if you had the time and inclination to do so. Nor do I expect you to trust our conclusions. But that does not mean that you should do nothing.

The onus does not fall on me to show that Falun Gong practitioners are being killed for their organs. I do not have to explain where China gets its organs for transplants. China does. It falls to the Government of China to explain the sourcing for their organs.

The World Health Organization, in an Assembly in May 2010 endorsed Guiding Principles on Human Cell, Tissue and Organ Transplantation. Two of these principles are traceability and transparency.

For the research I and others have done, we were able to garner useful information about transplant volumes from the China Liver Transplant Registry in Hong Kong. After our research was published, the China Liver Transplant Registry shut down public access to statistical aggregate data on its site. Access is available only to those who have a Registry issued login name and password.

The Chinese health system runs four transplant registries, one each for liver, kidney, heart and lung. The other three are located in mainland China, kidney and heart in Beijing and lung in Wuxi. The data on the other three sites are also accessible only to those who have registry issued login names and passwords.

The Government of China refuses to provide death penalty statistics on the basis that they are state secrets. At the United Nations Universal Periodic Review Working Group in February 2009 Canada, Switzerland, United Kingdom, France, Austria, Italy recommended that China publish death penalty statistics. The Government of China said no to this

recommendation. The same recommendation was repeated by Belgium, France, New Zealand, Norway, Switzerland, UK, and Italy at the United Nations Universal Periodic Review Working Group in October 2013. This time China said, we'll see.

The connection between death penalty statistics and organ transplant abuse was made explicit by the UN rapporteur on torture, the UN rapporteur on religious intolerance and the UN Committee on Torture. All have asked China to explain the discrepancy between its volume of transplants and its volume of sources.

Recent developments

It seems pretty obvious that the state should not kill prisoners of conscience and that the state should not sell organs of those the state kills. There are lots of international professional and legal standards to that effect. However, I do not want to go through them here. They provide, in detail, something which I suspect everyone here would instinctively embrace.

Yet, the Chinese Communist Party and the Government of China which it controls do not. The Chinese Communist Party and the state officials in China not only engage in the killing of prisoners of conscience for their organs; the Party/state endorses the very concept of sourcing organs for transplants from prisoners the state kills.

My observation from dealing with the Communist Party of China in a wide variety of subject matters over a long period of time is that the Communist Party/Government of China responds to criticism in one of two ways. One is rudeness. The second is charm.

When the Party/State is rude, critics are attacked personally and in detail. Logic is met with bafflegab. Hard evidence is met with coverup and denial. The Party flies the flag of cultural relativism, that outsiders are trying to impose Western cultural standards on China.

It engages in mock indignation, claiming interference in internal affairs.

That is the typical response the Party/State gives to criticism of repression of the practice of the exercises Falun Gong. The repression itself is denied. But the denials are accompanied by such vituperation against Falun Gong that the responses in themselves are an incitement to repression, evidence that the repression exists.

When the Party/State dons the disguise of charm, it says to its critics: you are right. We agree in principle. We will change. Give us time. Help us. You know more than we do. We do not have the technological know-how. Come to China. Tell us what to do.

Hypocrisy is the tribute that vice pays to virtue. For the Communist Party of China, hypocrisy comes easy. Laws can change without varying the practice, since the Party controls the application of the law. The Party never applies the law against itself.

A charm offensive has been the typical response to the criticism that China has been harvesting organs from prisoners. As long as the words Falun Gong are not used and the critic restricts the criticism to sourcing of organs from prisoners, the response of the Party/State has been accommodating.

The difference between these two responses, rudeness and charm, is style, not substance. In neither case is there real change. These two responses are variations on the good cop bad cop routine.

Someone familiar with the *modus operandi* of the Communist Party of China would be aware of these two techniques and appreciate that they are variations on the same theme. Most subject matter experts though do not deal with a spectrum of Chinese human rights violations. They normally deal with violations only in their field of expertise. So they are

easily beguiled by Chinese Communist Party charm which they see only once, in their own field. It takes them a while to realize the roughness underneath the Chinese Communist Party surface of smooth talk, to appreciate that they have been had.

That has been the dynamic between the Communist Party/ Government of China and the global transplantation profession. Deputy Health Minister Huang Jiefu, in a statement to China Daily in August 2009, asserted that prisoners are "definitely not a proper source for organ transplants"¹. So that seems pretty straightforward.

I and others had pressed the World Medical Association to expel the Chinese Medical Association because of organ transplant abuse in China. Dr. Wonchat Subhachaturas, then President of the World Medical Association, in a letter dated July 18th, 2011, to Dr. Torsten Trey, Executive Director of Doctors against Forced Organ Harvesting, wrote:

"[Deputy Health Minister] Prof. Huang ... said that he would not get the necessary political support to change the practice of harvesting organs from executed prisoners immediately."

The use of the word "immediately" is a euphemism. Deputy Minister Huang had been advocating an end to the practice at least since, as I just noted, August 2009, at that point, almost than two years earlier. Why in the intervening years had the abuse not stopped?

And what could politics have to do with it? Organ transplants are done by medical practitioners, not politicians. One could maybe expect Deputy Minister Huang's pleading economics, that too much money was being made from the selling of organs harvested from prisoners to stop it. But instead, he pleaded politics.

¹ Tania Branigan, "Executed prisoners are main source of Chinese organ donations" The Guardian, 26 August 2009

To understand the politics of organ transplantation in China, it is necessary to understand the politics of repression of Falun Gong. The political dynamic preventing the end to organ transplant abuse was explained in a cryptic nutshell by then Chinese Premier Wen Jiabao in March 2012. According to a source, the Premier, at a closed Communist Party meeting in Zhongnanhai on March 14, 2012, stated:

"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.

So, then Chinese Premier Wen urged using the Wang Lijun incident to punish Bo Xilai. Live harvesting of organs for money, he was asserting, is tied up with the Falun Gong issue. Resolve the Falun Gong issue, that is to say end the banning of Falun Gong, and the killing of people for their organs, according to Premier Wen, would end.

This statement of the Premier needs unpacking. What does organ transplant abuse have to do with the ban on Falun Gong? A lot, if you conclude, as David Kilgour and I have, that Falun Gong are being killed for their organs.

What is the Wang Lijun incident? On February 6th 2012, Wang Lijun, then deputy mayor and police chief in Chongqing, visited the American consulate in Chengdu for a full day. When he left, the Chinese security police arrested him. He went on trial in September 2012 for a variety of crimes including defection and was sentenced to fifteen years.

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

What is the connection between organ transplant abuse and Bo Xilai? That takes a bit of explaining.

Although this is a simplification, the power struggle in China revolves around three factions - the hardliners, the reformers, and the harmonizers. The leader of the hardliners used to be President Jiang Zemin. He led the banning of Falun Gong in 1999. His successor in the standing Committee at the time of the attempted defection of Wang Lijun was Zhou Yongkang, the Party head of Chinese security and also of repression of Falun Gong. The man designated to replace Zhou Yongkang in the Standing Committee in November 2012 was Bo Xilai.

The position of premier has sporadically been held by a line of reformers - Zhao Ziyang from 1980 to 1987, Zhu Rongji from 1998 to 2003, and Wen Jiabao from 2003 to 2012. Before President Jiang Zemin began his campaign to ban Falun Gong, Premier Zhu Rongji was encouraging the practice of Falun Gong as beneficial to health.

The harmonizers, exemplified by the past President Hu Jintao and his vice-president and now President Xi Jinping, were not trying to keep everybody happy, just the various factions within the Party. They attempted to avoid confrontations and paper over differences.

Bo Xilai was not just tough on Falun Gong. He and his assistant the Wang Lijun were central to the killing of Falun Gong for their organs.

I mentioned earlier that the investigation David Kilgour and I did was triggered by a statement by a woman using the pseudonym Annie and that Sujiatun, where Annie's husband worked, is a district in the city Shenyang and that Shenyang is a city in the province Liao Ning. Bo Xilai 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, for the years 2003 and 2004.

From 2003 to 2008, Wang Lijun was the head of the Jinzhou City Public Security Bureau On-site Psychological Research Centre (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.

One of the calls the investigative callers made which we used for the reports and book David Kilgour and I authored was placed to the First Criminal Bureau of the Jinzhou Intermediate People's Court. The call, dated 23 May 2006, had this exchange:

"Investigator: Starting from 2001, we always [got] kidneys from young and healthy people who practise Falun Gong from detention centres and courts... I wonder if you still have such organs in your court right now?"

Official: That depends on your qualifications... If you have good qualifications, we may still provide some...

Investigator: Are we supposed to get them, or will you prepare for them?

Official: According to past experience, it is you that will come here to get them."

In September 2006, Wang Lijun received the Guanhua 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.

Wang Lijun worked directly under Bo Xilai in Liao Ning province in 2003 and 2004. Bo in February 2004 went to Beijing where he became Minister of Commerce. While Minister of Commerce, Bo 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 one in Canada in which I am acting as counsel.

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."

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

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

that position in February 2012.

Superficially, the attempted defection of Wang Lijun related only to the murder of British national Neil Heywood by Gu Kailai, the wife of Bo Xilai. However, as the remarks of then Premier Wen Jiabao at the March Communist Party meeting indicated, there was more going on than that.

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 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. There appeared to be an active attempt to discredit the Bo faction through disclosure of organ transplant abuse in which Bo was complicit.

The focus on the murder of Neil Heywood looks to be the work of then President Hu Jintao and then Vice President now President Xi Jinping to minimize the scope of the dispute between the factions. The banning of Falun Gong and their killing for their organs are issues too big for the Party to handle easily. Then President Hu and his successor Xi, in the grab for places in the new Communist Party Standing Committee were prepared to sacrifice Bo, but wanted to take Falun Gong and organ transplant abuse off the table.

One hundred and six United States members of Congress in October 2012 wrote a letter to Secretary of State Hillary Clinton as a result of the attempted defection of Wang Lijun in February 2012 and the time he spent at the US consulate. The letter asked

"that the State Department release any information it may have that relates to

transplant abuses in China, including any documentation that Wang Lijun may have provided to our Consulate in Chengdu."

One hundred and six US Representatives in Congress are not going to send a letter out of the blue to the US Secretary of State. Such a letter would not have been sent unless those signatories had pretty strong reason to believe that, in fact, Wang Lijun did provide to the US Consulate in Chengdu information about transplant abuse in China.

The Congressional request was, in substance, unanswered. The US State Department did not provide the information requested. I myself have pursued this information by asking foreign ministries of other countries to press the US State Department to release it. The response I got back was that the information was so politically sensitive, so central to the internal workings of the Communist Party of China, that the Americans would not release it.

Gu Kailai in August 2012 was charged with and convicted of the murder of Neil Heywood. Bo Xilai though was charged with more than just abuse of power because of his efforts to protect his wife. He was also charged with and convicted of bribery and corruption. However, the window into Bo Xilai's wrongdoing was not opened up wide enough to address his part in the repression of Falun Gong. He was tried in August 2013, convicted in September and sentenced to life in prison.

So the Premier of China, Wen Jiabao, had attempted to end the killing of Falun Gong for their organs by pinning the blame on Bo Xilai. But that attempt had failed. And that seemed to be that.

Nonetheless, Huang Jiefu and the Chinese Health Ministry, without reference to Falun Gong, continued to insist, even after the conviction of Bo Xilai which had nothing to do with Falun

Gong, that the sourcing of organs from prisoners would end³. In August 2013, Huang Jiefu said publicly that in November China would start phasing out the use of organs of prisoners for transplants. He observed that the practice of harvesting organs from inmates "tarnishes the image of China". Huang added: "I am confident that before long all accredited hospitals will forfeit the use of prisoner organs".

The Chinese Communist Party/State invited The Transplantation Society, an NGO which gathers together transplant professionals from around the world, to a meeting in Hangzhou China at the end of October 2013. The invitation was accepted. One has to wonder why.

I had mentioned earlier that the China Liver Transplant Registry shut down access to aggregate data once, in my research, I started citing it. At The Transplantation Society Congress in Vancouver in 2010, Haibo Wang, then assistant director of the China Liver Transplant Registry, presented at the same session I did. I asked him why public access to the data on the Registry website was shut down and if it could be restored. His answer was that public access was shut down because people were misinterpreting the data. If anyone is to get access now, the Registry has to know first the purpose for which the data is being used and has to have some confidence that the data will not be misinterpreted.

The Transplantation Society representatives went to an assembly in Hangzhou China in March 2012 sponsored by the Chinese Ministry of Health and Red Cross. A report of the assembly stated:

"An invited keynote presentation was made by Dr. Delmonico on behalf of TTS [The Transplantation Society], endorsing the efforts of the CLTR [China Liver Transplant Registry] to achieve a transparency of registry events ... TTS commends the

³ Li Hui and Ben Blanchard "China to phase out use of prisoners' organs for transplants" Aug 15 2013, Reuters

leadership of Dr. Haibo Wang in accomplishing these objectives ..."⁴

One would have thought that it would not have taken much of an effort, particularly by the person in charge, to repost on the public part of the website the aggregate data previously taken down. In any case, by the time of the second Hangzhou meeting, in October 2013, a year and a half after the first one, the aggregate data was still not there. Representatives of The Transplantation Society went to this second meeting anyways.

Chinese Government Health Minister Bin Li began the meeting with a statement expressing the resolve of the Government "that the reliance of transplant centers upon organs from executed prisoners must cease".

The Minister stated:

"China needs the support of the international community to implement this new system and the international community needs the involvement of China in progress of organ transplantation as a field of medicine."

The report of the Hangzhou meeting stated that there was to be a follow up meeting in June this year. We are close upon June 2014. As far as I know, no such meeting is happening.

The report of the meeting further stated:

"Immediately after the presentation of the Hangzhou Resolution on Nov 2nd, 2013, the leaders of 36 transplant centers made a written commitment to the cessation of organs from executed prisoners. More hospitals are anticipated in the days ahead.

The names of these centers and these transplant leaders will be presented to the

international community to enable the publication of data from their centers in the medical literature and their presentations at international scientific congresses."

An early warning sign was that the text of the Hangzhou resolution was initially publicized by Chinese Communist Party English language media but not Chinese language media. The promise to present to the international community the names of the 36 centres which had made a written commitment to the cessation of organs from executed prisoners did not, initially, materialize.

Even more troubling was that the promotion of transplant tourism into China continued. When David Kilgour and I began our work, it was common for hospitals in China on their websites to tout their work, promote their short waiting times, post their prices and even talk about how much money they were making from the business. This website information has now disappeared.

The Government of China has responded in a number of different ways to our research. One of the most persistent and active is cover up. When we cite a website, it disappears. When we quote a Chinese official, the official issues a denial. We have archived all information on which we relied emanating from the Government of China. So researchers who want to see the information we saw can still see it at archived postings. Nonetheless, the systematic take down policy has prevented researchers from within China seeing this information.

In light of this institutionalized coverup, it was surprising that this website posting continued even after the Hangzhou resolution - under the name Omar Health Care Service. This website dated from 2007 and changed over the years. It was originally Arabic and English at the same website, which explains the use of the name Omar. Later the website continued separately with different languages.

The website address was <www.cntransplant.com>. The website promoted transplants in Tianjin, China. The website was user friendly. It had forms to fill out and a system for remitting fees. The home page blurb stated:

"We are here to assist you in getting a kidney, liver or heart transplant in China. Please browse through the website to find out more information about our services and contact use for the next step. We are working directly with the most qualified two hospitals in China."

The website was an unabashed pitch for transplant tourism.

It did not take long this time for The Transplantation Society to realize they had been had. The Omar Health Care website promoting transplant tourism into China as well as other information prompted an open letter from The Transplantation Society to President of China Xi Jinping sent the end of February this year.

That letter stated

"The Tianjin website <http://www.cntransplant.com> continues to recruit international patients who are seeking organ transplants ... the fact that foreign patients are still undergoing transplantation in China suggests that some hospitals are boldly and irresponsibly violating Chinese government regulations, thereby rendering the law a mere 'paper tiger'. These centers are both jeopardizing the public trust at home and tarnishing China's reputation on the international stage."

The letter noted that "the anecdotal reports of patients returning from China to their native countries with complications from clandestine organ transplants are many" and gave one example. The letter stated that "Chinese media report that even as the new [organ donor] program is being piloted, it has already been infiltrated by persons driven by the same corrupt practices who have assumed authority for the distribution of organs." The letter

asked China to get matters right⁵.

The letter from the Society led to a couple of responses. One is that the Omar Health Care website is now gone. I do not have the exact date it was taken down because I was not checking it every day, but it was there as late as May 7th. I archived every page of the site in my hard drive and you can also see at least the home page yourself by using the way back search engine on the internet⁶.

The other development is that the Chinese government publicly abandoned the commitment to end the sourcing of organs from prisoners. Huang Jiefu, the man in charge of transplants in China, asserted that, rather than shifting from prisoners to donors for sourcing of organs, China would incorporate the sourcing of organs from prisoners into its donor system. He said "we will regulate the issue [inappropriate handling of organ donations from executed prisoners] by including voluntary organ donations by executed prisoners in the nation's public organ donation system"⁷. He added "Judicial bodies and local health ministries should establish ties, and allow death row prisoners to voluntarily donate organs and be added to the computer organ allocation system"⁸.

Lest there be any doubt about what he meant, he elaborated more specifically in a Chinese language interview when asked about the commitment of the leaders of 36 transplant

⁵ Matthew Robertson "International Transplant Community Raises Voice Against China's Abuses" Epoch Times, April 7, 2014

⁶ The best snapshot can be found at February 22, 2007 at <https://web.archive.org/web/20070222164806/http://www.cntransplant.com/>?

⁷ Shan Juan "Govt seeks fairness in organ donor system for inmates" China Daily USA, 2014 March 07

⁸ Matthew Robertson "Top Chinese Transplant Official Says There's No Plan to Stop Using Prisoner Organs" Epoch Times, April 11, 2014

centers to the cessation of organs from executed prisoners⁹. Huang Jiefu stated that the commitment from these 36 transplant centres

"is not about not using organs from executed prisoners, but not allowing hospitals or medical personnel to engage in private transactions with human organs."

Huang Jiefu made this statement before the publication of the names of the 36 centres in April 2014¹⁰, thus preventing the public from getting the mistaken impression that these 36 centres were actually going to stop sourcing organs from prisoners.

Huang Jiefu in this interview added:

"Executed prisoners are also citizens having the right to donate organs. We are not against organ donation of prisoners which would deprive them of this right. ... Given the willingness of death row prisoners to donate organs, once entered into our unified allocation system then they are counted as voluntary donations of citizens - the so called death row organ donation doesn't exist any longer."

The notion that prisoners are voluntary actors belies the prison experience. Prison is a coercive environment; it becomes impossible to characterize the sourcing of organs from prisoners in that context as voluntary.

In addition, the secrecy under which the Chinese prison operates means that any claims of voluntariness are unverifiable. The claim of voluntariness looks to be nothing more than a shift in vocabulary to obfuscate continuing abuse.

⁹ <http://dailynews.sina.com/gb/chn/chnpolitics/phoenixtv/20140304/12205515629.html>

¹⁰ "China organ donation and transplantation update: the Hangzhou Resolution" Authors: Huang JF, Zheng SS, Liu YF, Wang HB, Chapman J, O'Connell P, Millis M, Fung J, Delmonico F, Hepatobiliary & pancreatic diseases international: HBPD INT. 13(2): 122-4, April 15, 2014.

Wang Haibo, a Chinese transplant official, elaborated on what his boss, Huang Jiefu had said¹¹. He stated that the Chinese Government would not announce a schedule for ending the use of organs from prisoners. He added:

"The question is, 'When can China solve the problem of the shortage of donor organs?' I wish we could end it tomorrow. But it requires a process ... Many things are beyond our control. Therefore, we can not announce any time schedule."

This statement "Many things are beyond our control" echoes the 2011 statement of his boss Huang Jiefu that he "would not get the necessary political support to change the practice of harvesting organs from executed prisoners immediately". It also reflects the failed effort of then Chinese Premier Wen Jiabao to end the practice of killing of Falun Gong for their organs by pinning the abuse on Bo Xilai.

In an unfortunate bit of timing, a number of non-Chinese transplant professionals, before Huang Jiefu backtracked, co-authored with Chinese health officials an article touting the Hangzhou resolution which a professional journal then published in April, after the backtracking¹². The publication of the article leaves the non-Chinese authors with egg on their faces.

If the killing of prisoners for organs were to end, then the killing of prisoners of conscience for organs would also end. The fact that the killing of prisoners for organs is now the official policy even of the reform elements of the Chinese transplant system means that the possibility of this short cut to ending the killing of prisoners of conscience for organs is gone.

The global transplant profession is back to square one. All that effort to shift China

¹¹ Li Hui and Ben Blanchard, "China to phase out use of prisoners' organs for transplants", August 15 2013, Reuters

¹² See footnote 10

gradually from prisoners to donors has gone nowhere.

To the Communist Party of China, word "donations", like many other words such as "freedom" and "democracy", has developed its own meaning. To the Party, "donations" encompasses sourcing from prisoners. The word "donations" is used to differentiate state sourced organs from private black market organs, a usage we find nowhere else.

Within the mass of Chinese state sourced organs, there will be some which do not come from prisoners and are truly voluntary. But, in the absence of transparency, how is one to tell?

The inevitable consequences must be drawn. The transplantation profession has developed a full and detailed list of policies to avoid complicity in foreign transplant abuse. A number of legal remedies have been proposed, and, in some countries, enacted. The full weight of policy and law must be engaged to avoid any foreign complicity in transplant abuse in China.

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