

# **PROSECUTING PERPETRATORS OF CRIME AGAINST HUMANITY IN CHINA**

Hon. David Kilgour

China Embassy Public Protest Rally, St Patrick Street

Ottawa

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July 20 will mark the launch in 1999 of former Chinese president Jiang Zemin's vicious suppression of Falun Gong across China.

Since then, Beijing's party-state has committed systematic murder against practitioners of this peaceful exercise and meditation movement. The covert large scale seizure of practitioners' organs for commercial transplanted purposes is a major feature of this persecution-- about which the people of China and the world still know too little, largely because of China's Stalinist governance/crony capitalism practices.

Fortunately, things are now changing. The Falun Dafa Information Center ( <http://faluninfo.net/article/1321/>) recently revealed that more than 34,000 complaints have been filed with Chinese courts, charging former Chinese leader, Jiang Zemin, with unlawful imprisonment, torture, corruption, abuse of power, and other crimes. Moreover, 393 Falun Gong practitioners from 19 countries have also filed complaints against Jiang. As the instigator of the persecution, Jiang should be the first in Beijing indicted before the International Criminal Court.

Erping Zhang, spokesperson for the center, noted, "This wave of filings is significant (because) it shows a ground-swell of support across China, and around the world to bring Jiang to justice for his role in the violent suppression of Falun Gong... (Furthermore,) these legal complaints are being accepted by the Chinese courts...the individuals filing them are not suffering retaliation from the Chinese regime. Even just a year ago, this was (unthinkable). This is a big change with wide-reaching ramifications."

## **Evidence of Pillaging/Trafficking**

From 2006 to now, David Matas and I have voluntarily investigated the claims of organ pillaging/trafficking from living Falun Gong practitioners, concluding with dismay that for 41,500 transplants done in the years 2001-2006 alone in China the only plausible explanation for sourcing was Falun Gong.

Despite overwhelming evidence and international demands to stop, the regime in Beijing continues to deny pillaging of organs from Falun Gong and other prisoners of conscience. Recently, Leon Lee's film, *Human Harvest*, based partly on our book *Bloody Harvest*, won a Peabody award in New York. The international screening of this documentary, including a CBC screening on June 16th, should increase pressure on Beijing to end the vile commerce.

In his seminal 2014 book, *The Slaughter*, Ethan Gutmann places the persecution of Falun Gong, Tibetan, Uyghur, and House Christian communities in context, focusing mostly on Falun Gong, the group most viciously and relentlessly targeted.

Gutmann explains how he arrives at his "best estimate" that organs from 65,000 Falun Gong and between "two to four thousand" Uyghurs, Tibetans or House Christians were "harvested" in the 2000-2008 period alone. In China, no "donors" survive pillaging because all vital organs are removed to be trafficked for high prices to wealthy Chinese and even higher ones to "organ tourists" from abroad.

Dr. Huang Jiefu, formerly China's Vice-Minister of Health, has admitted that prisoners constitute virtually all of China's sources of organs for transplantation but has never conceded that Falun Gong prisoners of conscience are the principal, and likely the sole source in some of China's hospitals.

Huang announced in 2012 that the party-state would cease organ pillaging/trafficking in three to five years. Later he asserted that by 2014 it would end. Today, it has become clear to discerning observers that organ pillaging/trafficking continues as 'business as usual' across China.

## **Doctors Against Forced Organ Harvesting (DAFOH)**

DAFOH, the medical organization that has brought much international attention to the issue, recently cautioned the responsible world not to accept Beijing's latest promise to end the harvesting of organs from executed prisoners by noting that a reduced reliance on executed capital offenders means "an increased reliance on organ procurement from prisoners of conscience...Falun Gong, among others, is the primary target, is at increased risk of falling victim to the demand for forcibly procured organs".

### **Parliament of Canada**

On Feb 3, 2015, the House of Commons' all-party subcommittee on International Human Rights released a statement condemning the pillaging of organs from Falun Gong. It expressed "deep concern over credible allegations that prisoners of conscience and members of religious and ethnic minority groups, including but not limited to practitioners of Falun Dafa and Uyghurs, in the People's Republic of China are being executed for the purposes of harvesting and transplanting their organs..." and called to end the transplantation of organs from living or deceased donors without consent.

### **The Party: 'Corruption is the System'**

One of the best analyses of contemporary China today is *The Party* (2010), by Richard McGregor, formerly the Financial Times Beijing bureau chief. "Terror", he observes, "was the system for extended periods of Mao's rule... (it) remains essential to the system's survival and is deployed without embarrassment when required." He adds: "China is deeply corrupt..." 7

The highly-publicized campaign against corruption by President Xi Jinping appears aimed at winning support from a corruption-weary public, while more importantly removing his opponents from office. It will undoubtedly fail to reduce corruption as long as the legal system remains hollow in terms of the rule of law and related features, such as independent judges/prosecutors and justice for all. Corruption is the system.

Observers outside China to have difficulty understanding that 'trials' there are simply scripted theatre. Canadian lawyer Clive Ansley who practised law in Shanghai for 14 years, notes: "There is a current saying amongst

Chinese lawyers and judges who truly believe in the Rule of Law...: 'Those who hear the case do not make the judgment; those who make the judgment have not heard the case'.... Nothing which has transpired in the 'courtroom' has any impact on the 'judgment'." The Party operates outside and above the law as in the case of the pre-1991 Soviet Union.

### **Making Sino-Trade Fair**

Governments, investors and business people outside China should examine why they are supporting the violation of so many universal values in order to increase trade and investment with China. For years the effort has resulted mostly in jobs being outsourced to China and continuous increases in bi-lateral trade deficits. Peter Navarro, a Harvard Ph.D. in economics, argues convincingly that consumer markets worldwide have been "conquered" by China largely through cheating, and suggests many proposals to ensure that trade becomes fair. Are the rest of us so focused on access to inexpensive consumer goods that we ignore the human, social and natural environment costs paid by Chinese citizens to produce them?

The Chinese people, I believe, want the same things as the rest of the world: respect for all, education, safety and security, good jobs, the rule of law, democratic and accountable governance and a sustainable natural environment. If the party-state ends its systematic and gross violations of human rights at home and abroad and begins to treat its trade partners in a transparent and equitable way, the new century can bring harmony and coherence for China and the world. The first step in a better direction is to cease organ pillaging/trafficking now.

Thank you.

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