

ORGAN TRANSPLANTATION AND OTHER GOVERNMENTAL ABUSES IN CHINA

Notes for Hon. David Kilgour, J.D.

Copenhagen

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China is its people, cultures and history far more than its unelected government in place from the barrels of guns since 1949. The criticisms many of us make are of current and past misgovernance, and certainly not the citizens.

Probably because of the ‘hostage diplomacy’ of Xi Jinping and the arbitrary arrests and cruel detainment of Canadians Michael Kovrig and Michael Spavor, nine in ten Canadians recently polled in a Nanos opinion survey held a “negative” or “somewhat negative” impression of the Government of China.

Much of the world knows that it agreed to special status for Hong Kong in the 1984 Sino-British Joint Declaration, promising a “high degree of autonomy,” and declaring that democracy, the rule of law, and basic human rights would be maintained under the “one country, two systems” model for 50 years.

The Beijing party-state has systematically and increasingly violated these commitments since the 1997 handover. Its appointed Hong Kong government opted not to safeguard autonomy. This harms the city and the large amounts of foreign investment and exchange that now enter China through Hong Kong mostly because of its still sound legal system. Beijing’s 2014 White Paper on Hong Kong dismissed the continued applicability of the Joint Declaration.

Comments in 2013 by world-renowned Chinese artist and democrat Ai Weiwei are still timely: “... The Communist Party is

ethically and philosophically too weak to meet any challenge in public discussion. (Eventually, it ... will...) realize that it can only continue to govern if supported by the constitution and true rule of law... (I)f it continues to reject any public role in its decision making and hopes to distract Chinese with spectacles ... the regime will only hasten its decline.”

Isaac Fish, a senior fellow at the Asia Society’s Center on U.S.-China Relations, observed: “Beijing goes on insisting — despite its lack of free and fair elections, uncensored media, or an independent judiciary — that it’s a democracy... One of ... Xi Jinping’s favourite slogans refers to the 12 ‘core socialist values’ — of which democracy is second only to national prosperity.”

‘LEGAL SYSTEM’

Canadian Clive Ansley, who practised law in Shanghai for 14 years and is on the Advisory Board of the International Coalition to End Organ Transplant Abuse in China (ETAC), notes: “China (doesn’t) have a legal system (but rather a bogus system...)introduced in 1979 for reasons having little or nothing to do with any desire to implement Rule of Law... China is a brutal police state... Our position (on organ pillaging) is based on irrefutable evidence of what is actually happening...; we can prove the statistics on actual transplants carried out; we can prove that these numbers are utterly irreconcilable with the available sources, in the absence of mass murder perpetrated against prisoners of conscience.”

Gao Zhisheng, an independent lawyer imprisoned because of the clients he supported and twice nominated for the Nobel Peace Prize, was moved in 2014 from prison to house arrest. He subsequently told Associated Press that he’d been tortured and spent three years in solitary confinement. “Every time we emerge from... prison alive, (it’s) a defeat for our opponents,” Gao said, adding that he survived only because of his unwavering hope for China and faith in God.

Gao’s advocacy for the Falun Gong community included evidence given to the UN’s torture rapporteur, Dr. Manfred Nowak, in

2006. On official corruption, Gao concluded, “whether it is Mao, Deng or Xi, in terms of political logic, motives and modus operandi, they are birds of a feather, and the result is a continuation of historic disasters.”

Having represented numerous Canadian families of origin in China for almost 27 years in Canada’s Parliament, I know the community is talented, loyal and hard-working. Many Canadians realize that international students from China, who have recently been protesting in Canada against democracy and the rule of law in Hong Kong, are doing so only because if they don’t kowtow to the Beijing diplomats in Canada, they can be sent home and have their Canadian degrees invalidated.

TRANSPLANT ABUSE

For over two decades, the Beijing regime has been organ-harvesting from prisoners of conscience—primarily Falun Gong but also Tibetans, Christians and Muslim Uyghurs.

In 2006, the Coalition to Investigate the Persecution of Falun Gong in China (CIPFG) asked David Matas and me as volunteers to investigate persistent claims of organ pillaging/trafficking from Falun Gong. We released two reports and a book, *Bloody Harvest*, and have continued to investigate. We concluded that for 41,500 transplants done in the years 2000-2005 in China, the sourcing beyond any reasonable doubt was predominately Falun Gong prisoners of conscience.

Our main conclusion was that there “continues today to be large-scale organ seizures from unwilling Falun Gong practitioners (...) Their vital organs ... were seized involuntarily for sale at high prices, sometimes to foreigners (facing long waits in their home countries)....”

EVIDENCE

Here are three among 18 kinds of evidence that led to our conclusion:

1. Investigators made many calls to hospitals, detention centres and other facilities across China claiming to be relatives of patients needing transplants and asking if they had organs of Falun Gong for sale. We obtained on tape and then transcribed and translated admissions that a number of facilities were trafficking in Falun Gong organs.
2. Falun Gong prisoners, who were regularly tortured but later escaped from China, indicated that they were systematically blood-tested and organ-examined while in forced-labour camps across the country. This would have been necessary for successful organ transplants and for building a bank of live “donors”.
3. We interviewed “Annie”, the ex-wife of a surgeon from Sujiatun in Shenyang City, Liaoning. He told her that from 2001-2003, he’d removed corneas from 2,000 Falun Gong prisoners, adding that none survived because different surgeons then removed other organs before their bodies were cremated. As a decade-long prosecutor, I found Annie to be both credible and convincing.

THE SLAUGHTER

Nobel Peace Prize nominee and co-founder of ETAC, Ethan Gutmann -author of *The Slaughter* (2014) - places the persecution of the Falun Gong, Tibetan, Uyghur, and house Christian communities in context. He explains how he reached his “best estimate” that organs of 65,000 Falun Gong and “(2000-4000)” Uyghurs, Tibetans and house Christians were “harvested” from 2000-2008.

2016 UPDATE

Matas, Gutmann and I released an Update on our two books in ~~June~~ 2016 in Washington, Ottawa and Brussels (accessible from the ETAC website at www.endorganpillaging.org).

- It provided a thorough examination of the transplant programs of hundreds of hospitals across China, drawing on medical journals, hospital websites, and deleted websites found in archives. It analyzed hospital revenues, bed counts and utilization rates, surgical personnel, training programs, state funding and other factors.
- We concluded cautiously that a minimum of 60,000 transplants per year were being done across China as of mid-2016, not the ~10,000 its government claimed.
- We provided much evidence about a state-directed organ transplantation network, controlled through national policies and funding, and implicating both the military and civilian healthcare systems.

Gutmann adds: “For governments and the media, our (... update) represented the final tipping point: (It) was (subsequently) covered by global press ranging from the New York Times to the (UK) Daily Mail while the US Congress and the European Parliament passed (...similar) resolutions ... condemning the Chinese State for the harvesting of prisoners of conscience. In short, the Chinese medical establishment effectively lost the argument.”

WHAT LEGISLATORS AND GOVERNMENTS CAN DO

Belgium, Italy, Israel, Norway, Spain, Taiwan and other nations now ban transplant tourism by their nationals. Dr. Jacob Lavee, a retired member of the Transplantation Society (TTS) Ethics Committee and a key figure in reforming Israel’s organ transplant laws, boycotted the 2016 TTS Congress, saying to journalist Didi Kirsten Tatlow of the New York Times: “I’m a ... Jewish heart transplant surgeon ... the son of a Holocaust survivor, (... so) I can’t keep silent in the face of a new crime against humanity...

(I've) tried (unsuccessfully)... to persuade the TTS ... (not to move its Congress - originally planned for Bangkok, to Hong Kong...)"

Prof. Maria Fiatarone Singh of the Sydney University Medical School observes, "... individuals who ... (aren't) free to consent can never be used as organ donors, as this not only prevents them from achieving their human potential, it completely dehumanizes them, and should be thus unacceptable to any society in the (21st)century... As physicians, (we're)bound by our oath to prevent harm, ... (including) acting to protect those ... (being) harmed by others. As humans, we can do no less."

GLIMPSES OF CONTEMPORARY CHINA

Several years ago, there were numerous warnings:

- Canadian author Jonathan Manthorpe described China's economy as essentially a Ponzi scheme: "A local government, without a functioning system for raising tax revenue—and...riddled with corruption...sells development land to garner cash... (first getting rid of [farmers] living on the land)...The municipality has the power to instruct banks to lend the development company the money for the sale. So the local government gets its cash, the municipally-owned company gets to build a speculative residential or industrial complex, and all seems well".
- Joe Nocera in the International New York Times wrote that China's "debt load (at that time was) ... an unfathomable \$28 trillion".
- The Financial Times reported that a "national team" of state-owned investment funds and institutions spent about \$200 billion attempting to prop up the Shanghai stock market.
- Bloomberg News reported that the highest echelons of the Party had amassed unimaginable wealth and that in 2012 Xi Jinping's family was "worth" several hundred million dollars.
- An Economist report on state capitalism quoted a central bank of China estimate that, from the mid-1990s to 2008, 16,000–18,000 Chinese officials and executives of state-owned

companies “made off with a total of US\$123 billion (about US\$6 million each)” and concluded, “By turning companies into organs of the government, state capitalism simultaneously concentrates power and corrupts it.”

Canadian journalist Terry Glavin wrote recently that China under Xi Jinping has “become a viciously kleptocratic police state”.

Governments and businesses around the world must not condone the violation of universal values by seeking to increase trade/investment with China. The result is usually more home jobs being outsourced and growing bilateral trade deficits. The U.S., for example, may have lost more than 20 million jobs and ~50,000 manufacturing plants-mostly to China-over the past three decades.

Economist Duanjie Chen, a Munk Senior Fellow at the McDonald-Laurier Institute in Ottawa, observes:

(http://macdonaldlaurier.ca/files/pdf/20190827_China_Economic_Coercion_Chen_PAPER_FWeb.pdf):

“...the Chinese economic juggernaut is showing signs of wear, (... partly) due to its use of industrial policies to attempt to mould the international order to its liking, and also its willingness to undermine private wealth in order to pursue speedy GDP growth. It is suffering from severe shortages of arable land, persistent income disparity, an ageing population and a growing popular desire for the benefits of foreign competition.”

She adds, “China believes it can act at will against any country. Yielding to China’s coercion, economic or otherwise, will only embolden it. Like-minded jurisdictions, such as Japan, South Korea, Taiwan, and the U.S. have been standing up to China’s economic coercion...The world will be a better place when China sees itself as an equal member of the international community and respects international norms.”

CURRENT DEVELOPMENTS

David Shambaugh, named one of America's top 20 China watchers by the China Foreign Affairs University (affiliated with its ministry of foreign affairs), is now convinced that we are witnessing the "endgame of Chinese communist rule." He writes:

"In 2014, Shanghai's Hurun Research Institute... found that 64% of the 'high net worth individuals' whom it polled—393 millionaires and billionaires—were either emigrating or planning to do so. Rich Chinese are sending their children to study abroad in record numbers..."

"...since taking office in 2012, Xi has greatly intensified the political repression that has blanketed China since 2009. The Targets include the press, social media, film, arts and literature, religious groups, the Internet, intellectuals, Tibetans and Uyghurs, dissidents, lawyers, NGOs, university students and textbooks..."

James Mann, author of *China Fantasy* and former Beijing bureau chief of the Los Angeles Times: "...Democratic governments around the world...(must)collaborate more often in condemning Chinese repression Why should there be a one-way street in which Chinese leaders send their own children to America's best schools, while locking up lawyers at home? The Chinese regime is not going to open up because of our trade with it..."

China's former premier Wen jiao-bao noted before leaving office, "Without the success of political structural reform, it is impossible for us to fully institute economic structural reform. The gains we have made... may be lost, new problems that have cropped up in China's society cannot be fundamentally resolved and such a historical tragedy as the Cultural Revolution may happen again."

LONDON TRIBUNAL

In 2018, ETAC announced the establishment of an independent people's tribunal to inquire into organ harvesting from prisoners of conscience in China to determine what criminal offences, if any,

have been committed by forced organ harvesting. If the Tribunal found the allegations to be true, as we had previously in our work, that finding should propel more decisive actions to address the issue. The Tribunal's members, all of whom would work without payment, included a transplant surgeon.

This June, the Tribunal, chaired by Sir Geoffrey Nice QC, who was a prosecutor at the international criminal tribunal for the former Yugoslavia, said in a unanimous determination after its hearings that it was "certain that Falun Gong was a source - probably the principal source - of organs for forced organ harvesting". He added: "There is no evidence of the practice having been stopped and the tribunal is satisfied that it is continuing."

The tribunal took evidence from over 50 fact witnesses, medical experts, human rights investigators and others. Among those killed, were members of religious minorities such as Falun Gong. The tribunal heard reports of extraction of kidneys from executed prisoners from as far back as the 1970s. Most of the evidence, however, came from 2000 onwards.

In its final judgment, the Tribunal stated, "The conclusion shows that very many people have died indescribably hideous deaths for no reason, that more may suffer in similar ways and that all of us live on a planet where extreme wickedness may be found in the power of those, for the time being, running a country with one of the oldest civilizations known to modern man."

Earlier this year, the PRC embassy told the Guardian: "The Chinese government always follows the World Health Organization's guiding principles on human organ transplant, and has strengthened its management on organ transplant in recent years. On 21 March 2007, the Chinese state council enacted the regulation on human organ transplant, providing that human organ donation must be done voluntarily and gratis. We hope that the British people will not be misled by rumour."

Among the Tribunal's recommendations:

- The UN Committee against Torture should continue its earlier quest: [China] should ... commission an independent investigation to look into claims that some Falun Gong (and now Uyghur) practitioners may have been subjected to this practice [removal of organs without consent].
- Many more states, including Canada and the UK, need to create and enforce restrictions banning patients from travelling to China for transplant surgery. The adoption of more comprehensive national legislation against transplant tourism is essential because partial legislation by a few key States has not succeeded in bringing it to an end.

Permit me to invite all of you to join our International Coalition against Transplant Abuse in China, which you can do at www.endorganpillaging.org.

Thank you