

Engaging Beijing on Organ Pillaging From Falun Gong

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China's 5000 plus 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 seizing power in 1949. The systematic abuse of targeted 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.

Since the 1950s, not a decade has gone by without party-state-led violence directed at segments of the population, who were normally labeled 'counterrevolutionaries'. This includes Mao Zedong's 'Great Leap Forward', which resulted in the death by starvation of 25 - 40 million Chinese from 1959 to 1961, the Cultural Revolution, the 1989 crackdown on the democracy movement, and most recently the persecution of Falun Gong since mid-1999.

Encouragement to Persecution

When Falun Gong exercises and principles were initially introduced to the Chinese public in 1992, the party-state not only acquiesced in its expansion, but assisted, inviting its founder to teach in government facilities and praising Falun Gong for the benefits it introduced to public health and ethics generally.

The more the movement grew, the more resistance it encountered no doubt because some Party leaders feared any large, independent group. When Falun Gong books became bestsellers in 1996, they were banned. When a government survey estimated that more than 70 million Chinese were practitioners in the mid-'90's, more than the Party's then 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. Party leader Jiang Zemin, however, 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.

610 Office

The 610 Office, an agency specifically created to persecute Falun Gong adherents, was given absolute power over each level of the party-state administration, including all political and judicial offices, media, army and police. Security personnel began to arrest and detain practitioners across the country.

Beatings, detention in forced labour camps, brainwashing and torture became the daily lot of many practitioners. The methods included hanging victims from ceilings, shocking with high-voltage electric batons, sleep deprivation, starvation, sexual assault, forced abortions, drug injections, and forced-feeding. Most of the abuse took place in secret behind closed doors, in detention centres, labour camps, and mountainside torture chambers. The Party went to great lengths to hide what it was doing from journalists, scholars, human rights organizations and other independent researchers.

Chinese nationals who tried to investigate the abuses risked losing their careers, freedom, and lives. Foreign journalists could lose their work permits. Falun Gong adherents who acted as informants to foreign media were imprisoned, tortured or worse. In October 1999, Party leaders labelled the movement 'an evil cult' to justify its ban retroactively.

Then Party leader and President Jiang Zemin strongly appears to have been 'jealous' of Falun Gong and 'obsessed' with eradicating it. By creating a national campaign, he sought to consolidate political power in himself and to eliminate a movement he perceived as a threat to his power. Falun Gong practitioners have no desire to become involved in politics.

Falun Gong

Falun Gong (or Falun Dafa) is a spiritual discipline which seeks to improve body and ethics. It contains features of traditional systems, like Buddhism and Daoism (Taoism), combined with a set of gentle exercises. Its core principles are "truth, compassion and forbearance", which echo those of Christianity, Islam, Hinduism and many other faiths. In China, where it first became public in 1992, Falun Gong grew within seven years to 70-100 million practitioners by the party-state's own estimate. It had a belief system behind it entirely different from Marxism-Leninism. The exercises, moreover, could be done anywhere at any time, singly or in groups, indoors or outdoors. The amorphous nature meant it was impossible for the Party to control.

After 1980, the party-state had begun withdrawing funds from the health system across China, obliging it to make up the difference through service charges to mostly uninsured patients. Selling the organs of executed convicts became a major source of funds because of world demand. Falun Gong later became the major additional source of organs. Organ prices were posted on Chinese websites.

Forced Labour Camps

In doing our final report on organ pillaging, David Matas and I visited about a dozen countries to interview Falun Gong practitioners sent to China's forced labour camps, who managed later to leave the camps and the country itself. Most were sent to camps after mid-1999 without any form of hearing on only a police signature. The system was created in Stalin's Russia and Hitler's Third Reich and copied in the 1950s by Mao.

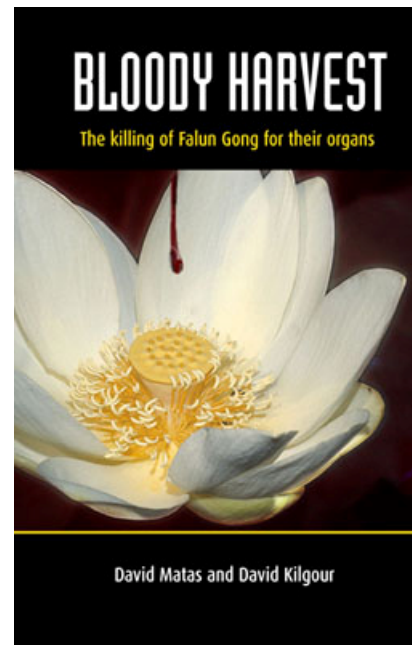
Practitioners told us of working in appalling conditions for up to sixteen hours daily with no pay and little food, crowded sleeping conditions and torture. They made export products, ranging from garments to Christmas decorations as subcontractors to multinational companies. This, of course, constitutes gross corporate irresponsibility and violations of WTO rules and calls for an effective response by all governments who trade with China.

The labour camps, outside the legal system, allow the Party to send anyone to them for up to three years with neither hearing nor appeal. There is a link between the labour done since 1999 by Falun Gong practitioners and other prisoners in the camps and the resulting loss of manufacturing jobs in Canada and elsewhere. One estimate of the number of the camps across China as of 2005 was 340, having a capacity of about 350,000 inmates. In 2007, a US government report estimated that at least half of the inmates in the camps were Falun Gong. The combination of authoritarian governance and 'anything is permitted' economics allows such practices. Canada and other countries should ban forced labour exports by legislation, which puts an onus on importers to prove their goods are not made in effect by slaves.

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 done 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



Chen Ying



The experience of Falun Gong practitioner Chen Ying, who was later awarded refugee status by the government of France, is fairly typical:

“Because I would not renounce my Falun Gong convictions, between February 2000 and November 2001, I was imprisoned three times without any judicial process...Each time, I was mistreated and tortured by the police...At the end of September, 2000, as I would not tell them my name, I was called out by the police and taken to a hospital for a complete medical examination: cardiac, blood, eyes, etc. I had to carry chains on my legs and I was attached to a window frame. The police injected me with unknown substances. After the injections, my heart beat abnormally quickly. Each one gave me the impression that my heart was going to explode...”

Gao Zhizheng

Chinese human rights advocates, such as the twice Nobel-Peace Prize nominated Gao Zhisheng, and their international supporters care deeply about improving the well-being of the Chinese people.



Gao, aged 47, is often called "the conscience of China". He gained world acclaim for donating his lawyer's skills to defend workers, evicted farmers, miners, dissidents and the disabled. His criticism of the persecution of Falun Gong practitioners triggered seven weeks of torture for himself. It stopped only when he agreed to "confess" in an article saying that the party-state treated his family well and that Falun Gong had tricked him into writing a letter to the U.S. Congress. Shortly after his release for a brief period, Gao wrote a letter detailing his ordeal and authorized its release to the public in February, 2009, although threatened with death if he spoke publicly about his torture. The UN Working Group on Arbitrary Detention has called on the party-state of China to release Gao, terming his detention a violation of international law.

Liu Xiaobo



Another example was the Christmas day sentencing in 2009 of Liu Xiaobo, the Charter 08 co-author and 2010 Nobel Peace Prize laureate, to eleven years in prison for peacefully advocating democracy. It is difficult for those of us living outside China to understand that trials there are mere theatres. The deciding 'judges' usually don't even hear the evidence given in 'courts'.

Clive Ansley of Canada practised law in Shanghai for 13 years, handling about 300 cases, before returning to British Columbia. His article in the March 2007 B.C. trial lawyers' publication, *Verdict*, explains the reality of what happened to Liu and so many others. In short, most cases are decided behind closed doors, completely away from any public view:

"There is a current saying amongst Chinese lawyers and judges who truly believe in the Rule of Law and this saying, familiar throughout all legal circles in China, vividly illustrates the futility of Canadian attempts to 'assist China in improving its legal system' by training judges. It is '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'."

Ansley's article can be accessed at

http://organharvestinvestigation.net/events/verdict112_mar07.pdf

International Initiatives

1. UN

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

The first allegation 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 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' allegation with a categorical denial. To that, 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 practitioners ⁴ in Nov. 2008:

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):

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>),

“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 then recommended that the Chinese authorities investigate and punish those responsible for forced organ harvesting from Falun Gong:

“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.

2. European Parliament

In September 2006, The European Parliament conducted a hearing (David 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 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 (2009-2015)" states:

"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 December 6, 2012. David Matas testified.

3. Taiwan

In August 2007, Hou Sheng-mao, the Director of Taiwan's Department of Health, reported requesting Taiwanese doctors not recommend to their patients to travel to mainland China for transplants.

4. Australia

In December 2006, the Australian 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.

5. Belgium and Canada

⁵ 2009/2104(INI)

⁶ Paragraph 39.

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 Wrzesnewszkyj 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.

6. France

French Parliamentarian Valérie Boyer on 19 October 2010 along with several other members of the National Assembly proposed a law which sets out certificate and reporting requirements similar to Canada's proposed law. The proposed law requires every French citizen and habitual resident who undergoes an organ transplant abroad to acquire at the latest 30 days after the transplant 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.

The proposed legislation requires every doctor to report to the Biomedical Agency the identity of every person the doctor examined who underwent a transplant. The proposed law in turn requires the Biomedical Agency to report to the Public Department any person who there are reasonable grounds to believe was involved in a financial transaction to obtain an organ.

7. Israel : Israel passed a law banning the sale and brokerage of organs. The law as well ended funding through the health insurance system of transplants in China for Israeli nationals. Jay Lavee in his contribution to the book *State Organs* explains this law as a reaction to transplant abuse in China. .

8. United States

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

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

On Oct. 3 2012, 106 Members of the U.S. Congress urged the U.S. State Department to release information on organ pillaging in China from Falun Gong practitioners and other religious and political prisoners, and requesting the State Department to release any information it might have, including details that former Chongqing deputy mayor Wang Lijun is believed to have transmitted during his brief sanctuary in the U.S. Consulate in February. Wang Lijun was directly involved in organ harvesting practices. He founded a research center on organ transplantation while he was police chief of Jinzhou City, Liaoning Province. The center conducted several thousand organ transplant operations, with unexplained organ sources.

The full text of the letter is available here.

<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 of from the hearing:

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

The State Department acknowledged 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#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?”

9. 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:

- August 2006, the New York-based National Kidney Foundation issued a statement expressing deep concerns over allegations that large numbers of Falun Gong practitioners were being executed for the purposes of organ donation, as well as opposition to such a scheme and to organ transplant tourism generally. ([statement](#))
- 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 newly adopted policy.
- UN NGO International Education Development (IED) made a statement on Organ Harvesting from Falun Gong practitioners at the United Nations during its September session 2012. Video of speech is below:
<http://webtv.un.org/search/ied-general-debate-item:4-contd-16th-meeting-human-rights-council/1846366958001?term=International%20Educational%20Development>

10. Individual initiatives

- Edward McMillan-Scott, Vice-President of the European Parliament and rapporteur for the EU's European 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. ([news](#))
- 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. ([news](#))
- 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](#)). The article 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&srefix=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 developments have not yet ended the trafficking in organs from involuntary “donors” across China.

11. China

The government of China now accepts that sourcing of organs from prisoners is improper. Deputy Health Minister Huang Jie 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 the 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.

In February of 2012, Huang again stated that the practice of organ harvesting from prisoners continues in China today, and it intends to abolish this practice within five years. That means tens of thousands more will be killed for their organs in the meantime. Since Matas and I began our voluntary work, the number of convicted persons sentenced to death and then executed has decreased overall quite dramatically, but the number of transplants, after a slight decline, rose to earlier levels. Since the only other substantial source of organs for transplants in China, apart from Falun Gong, is prisoners sentenced to death, a decrease of sourcing from that population means an increase in sourcing from Falun Gong.

12. Corporate Social Responsibility

Some pharmaceutical companies, such as Novartis and Pfizer, have voluntarily pulled away from pharmaceutical trials of anti-rejection drugs in China because of ethical concerns. There is, however, still need for binding national regulation in this area. Arne Schwarz in *State Organs* and David Matas in a speech in Philadelphia detailed a wide range of a pharmaceutical 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 Canadian MPs and senators and legislators in 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 Japan 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

Canada's House and Senate should also 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 might 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.