

ORGAN PILLAGING AND FALUN GONG IN CHINA
Hon. David Kilgour, J.D.

Subcommittee on Human Rights, European Parliament
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Thank you for the opportunity to speak about organ pillaging from Falun Gong practitioners in China as a new crime against humanity.

The earlier witness, Gao Wenqian from Human Rights In China (HRIC) in New York, told us in part that the overall human rights situation in China today is worsening. The experiences of another Gao (no relative), Gao Zhisheng, illustrates this phenomenon well.

In 2004, Gao Zhisheng, then one of China's top lawyers and since nominated for the Nobel Peace Prize, defended a Falun Gong practitioner who had been sent to a labour camp without any form of hearing. Gao learned that the court refused to hear the case because of "orders from above", so he courageously wrote to the National People's Congress and later sent three letters to the top leadership in Beijing. One of them referred to the "indescribable violence done to kind (Falun Gong) practitioners".

Gao's permit to practise law was subsequently removed and his office was closed by the government. His wife and daughter were harassed by police. He was imprisoned and tortured during a horrific five-week period and is now being "held incommunicado at an unknown location", according to Amnesty International.



Gao family

Forced Labour Camps

In doing our final report on organ pillaging from Falun Gong, David Matas and I visited about a dozen countries to interview practitioners sent to forced labour camps since 1999, who managed later to leave the camps and the country itself. They told us of working in appalling conditions for up to sixteen hours daily with no pay, little food, being cramped together on the floor for sleeping, and being tortured. They made export products, ranging from garments to chopsticks to Christmas decorations at times as subcontractors to multinational companies.

The camps, which were created in the Mao era and modeled closely on those in Stalin's Russia and Hitler's Third Reich, allow the party to send anyone to them for up to four years with neither any form of hearing nor appeal. One estimate of the number of the camps across China as of 2005 was 340, having a capacity of about 300,000 inmates. In 2007, a US government report estimated that at least half of the inmates in the camps were Falun Gong. It is the combination of totalitarian governance and 'anything is permitted' economics that allows such inhuman practices to persist.



Crystal Chen

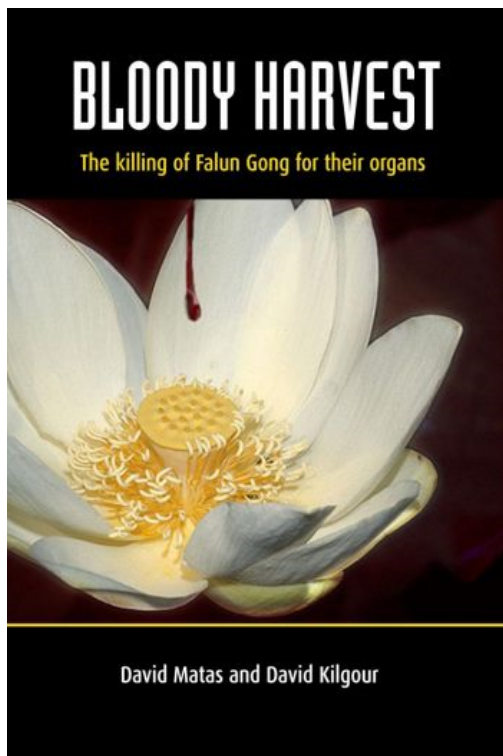
Take Falun Gong practitioner Crystal Chen, a former assistant to the president of a leading import export corporation in Guangzhou and an amateur actor, for example, who spent three years in a camp. She experienced beatings, being shackled and stretched, and prolonged sleep deprivation. In a detention centre, she was thrown on the floor of her cell and four large men held her down. A water bottle was cut in half to be used as a funnel. A one-pound bag of salt was poured inside the bottle, a small amount of water added. Guards shoved the opening of the bottle against Chen's teeth and tried to pry her mouth open with a dirty toothbrush.

She resisted, knowing the salt could kill her. Chen: "The salt went everywhere into my mouth and up my nose... I vomited salt and blood for days and could not eat. My gums were full of blood, I could hardly talk. They still handcuffed me." A male practitioner, university teacher Gao Xian in, died after being subjected to the same salt torture in the same detention centre.

Chen, now a refugee living outside China, stresses that Falun Gong practitioners, while understandably unsympathetic towards the Party, seek no role in Chinese politics: "only to stop the persecution which has continued for more than ten years... I love China. I'm proud of thousands of years of Chinese civilization and proud of being Chinese... I look forward to the renaissance of genuine Chinese values and dignity, including truthfulness, compassion and tolerance."

Killing of Falun Gong practitioners for their organs

David Matas and I came to the dismaying conclusion that Falun Gong practitioners in China have been and are being killed for their organs on a large scale. We wrote a report that came to this conclusion, which came out in July 2006. There was a second version in 2007. A third in book form was published last month as *Bloody Harvest*.



Book launch, Nov 17, hosted by Canadian Parliamentary Friends of Falun Gong on Parliament Hill, Ottawa



Falun Gong is essentially a traditional Chinese spiritual discipline, consisting of principles for living, meditation and exercises which began in China in 1992. Initially the government encouraged the practice as beneficial for health. By 1999, it had grown so popular that the Party became afraid that its own ideological and numerical supremacy were being threatened. The numbers of persons practising Falun Gong across China had grown from virtually none in 1992, according to a government estimate, to 70-100 million. The practice was accordingly banned.

Practitioners were asked to recant. Those who refused and continued the practice and those who protested the banning were arrested. If they recanted after arrest, they were released. If they did not, they were tortured. If they recanted after torture, they were then released. If they did not recant after torture, they disappeared into the Chinese detention and forced labor system.

Our conclusion is that many of the disappeared were killed for their organs, which were sold to transplant tourists. It would take too much time to set out how we came to that conclusion. We invite you to read our report, which is on the internet (accessible at www.david-kilgour.com), or our book. Briefly, three of the dozens of evidentiary trails we followed which led to our conclusion are these:

1) Only Falun Gong practitioners in work camps and prisons are systematically blood tested and physically examined. This testing cannot be motivated by concerns over the health of practitioners, because they are also systematically tortured. Testing is necessary for organ transplants because of the need for blood type compatibility between the organ source and the recipient. Crystal Chen, for example, during three years in a camp was medically tested several times, including two blood tests.

2) Traditional sources of transplants-prisoners sentenced to death and then executed, voluntary donors, the brain dead/cardiac alive-come nowhere near to explaining the total number of transplants in China. There is no organized system of organ donations. There is a cultural aversion to organ donation. There is no national organ matching or distribution system in China.

The only significant source in China of organs for transplants before the persecution of Falun Gong practitioners began was prisoners sentenced to death and then executed. The volume of organ transplants in China went up dramatically shortly after the banning of the practice of Falun Gong. Yet, the numbers of those sentenced to death and then executed did not increase.

We estimate that 41,500 organs transplanted over the period of persecution up to 2005 came from Falun Gong practitioners. How we reached this conclusion is explained on page 96 of our book.

3) We had callers phoning hospitals throughout China posing as family members of persons who needed organ transplants. In a wide variety of locations, those who were called asserted that Falun Gong practitioners (known to be healthy because of their exercise regime) were the source of the organs.

Since our report came out, laws and practices in China have changed. A law on transplants in May 2007 required that transplants be performed only in registered hospitals. The Ministry of Health announced that from June 26, 2007 Chinese patients would be given priority access to organ transplants over foreigners. The announcement also banned all medical institutions from transplanting organs into foreign transplant tourists. The government announced in August 2009 that it was launching an organ donation system as a pilot project.

With these changes, however, the crime against humanity continues. The recipients have changed from foreign to local, but the sources remain substantially the same. The government denies that organs for transplants are being sourced from prisoners who are Falun Gong practitioners. Yet, it accepts that organs for transplants are being sourced from prisoners. The only debate we have with the Government is which group of prisoners is the source of organs.

"Non consenting parties"

Sourcing of organs from prisoners is done without consent. Deputy Health Minister Huang Joyful at a conference of surgeons in Guangzhou in November 2006 said in a speech, "too often organs come from non consenting parties". The government of China accepts that sourcing of organs from prisoners is wrong. Huang at the time of the announcement of an organ donor pilot project stated that executed prisoners "are definitely not a proper source for organ transplants". This principle, that prisoners are not an acceptable source for organs, is followed by the Transplantation Society and the World Medical Association.

So what is the rule of law world going to do about the Chinese party-state's abuse of global transplant ethics? Our report and book have a long list of recommendations. Given the shortness of time, I mention here only two.

One possibility is extraterritorial legislation. The 2007 policy giving priority to Chinese patients has cut down on transplant tourism to China, but such legislation would be a useful statement of universal principle. The sorts of transplants in which the Chinese medical system engages are illegal everywhere else in the world. But it is not illegal for a foreigner from any country to go to China, obtain a transplant which would be illegal at home, and then return home. Foreign transplant legislation everywhere is territorial; it has no extraterritorial reach. Many other laws are global in their sweep. For instance, child sex tourists can be prosecuted not just in the country where they abuse children, but often at home as well. This sort of legislation does not exist for transplant tourists who pay for organ transplants without bothering to determine whether the organ donor has consented.

A second recommendation is that any person known to be involved in trafficking in the organs of prisoners in China should be barred entry by all foreign countries.

Conclusion

The attempted crushing of Falun Gong, Buddhist, Christian, Muslim and other independent faith groups, human rights lawyers and other civil society and democracy communities in recent years indicates that China's party-state must still be engaged with great caution despite the severe ongoing world economic problems. If it stops the systematic and gross abuses of human rights and takes major steps to indicate that it wishes to treat its trade partners in a mutually-beneficial way, the new century will bring harmony for China, its trading partners and neighbours. Its people have the numbers, perseverance, self-discipline, intelligence and other qualities to help make this new century better and more peaceful for the entire human family.

Thank you.