

# **NAMING, SHAMING AND ENDING A CRIME AGAINST HUMANITY IN CHINA**

Notes for Hon. David Kilgour, J.D.

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During almost 15 years, China's party-state has committed systematic murder against practitioners of a peaceful exercise and meditation movement across the country known as Falun Gong (Dafa). The covert large scale seizure of Falun Gong organs for commercial transplantation purposes is a highly profitable feature of this persecution.

In mid-2006, the Coalition to Investigate the Persecution of Falun Gong in China (CIPFG) asked David Matas and me to investigate the claims of organ pillaging/trafficking from living Falun Gong practitioners. We worked as volunteers, releasing two reports and one book (*Bloody Harvest*), and have continued to investigate to the present (Our revised report is available in numerous languages from [www.david-kilgour.com](http://www.david-kilgour.com)). We concluded 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.

Our main conclusion was 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.”

Beijing has a lengthy record of secrecy, misleading numbers and contradictory statements. Despite overwhelming evidence and international demands to stop, it continues to deny pillaging of organs from Falun Gong and other prisoners of conscience. Recently, Leon Lee's film, *Human Harvest*, based partly on *Bloody Harvest*, won a Peabody award in New York. It will presumably soon be seen widely around the world, thus increasing pressure on Beijing to end the vile commerce. The CBC national television screening is now set for June 16.

## **Evidence of Pillaging/Trafficking**

Here are two only of the 33 kinds of the evidence that led us to our dismaying conclusion (all can be accessed at [www.david-kilgour.com](http://www.david-kilgour.com) or <http://www.dafoh.org> ) :

- 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 from a number of facilities, which admitted the availability of Falun Gong organs.
- Falun Gong prisoners who later escaped from China testified that they were systematically blood-tested and organ-examined while in forced-labour camps across the country. This could not have been for their health, since they were regularly tortured, but it was necessary for successful organ transplants and for building a bank of live “donors”.

## ***The Slaughter***

The seminal 2014 book, *The Slaughter* (Prometheus), by Ethan Gutmann places the persecution of Falun Gong, Tibetan, Uyghur, and House Christian communities in context. He focuses 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. Huang, however, has never conceded that Falun Gong prisoners of conscience—who are sent to forced-labour camps for up to three years on police signatures only with no species of hearing or appeal—are the principal, and most probably 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.

Arne Schwarz, a German co-author of *State Organs-Transplant Abuse in China*, recently corrected some of Huang's self-serving sophistries about the issue <http://www.dafoh.org/dafoh-exclusive-interview-with-arne-schwarz/> :

## **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.

A media release by DAFOH noted 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". The release pointed at other issues, including:

- China's regime is not ready to join the ethical values-based world transplant community as an equal, trusted partner. International monitoring groups and medical organizations must demand full disclosure of the use of prisoners of conscience as a source of organs, transparency of organ sources, and access to China's organ procurement pathways.

## **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 Uyghur's, in the People's Republic of China are being executed for the purposes of harvesting and transplanting their organs..."

In a call to end the transplantation of organs from living or deceased donors without consent, the subcommittee:

- "encourages Canadian medical professionals, scientists, researchers and their professional organizations as well as regulatory bodies to continue their efforts to put an end to illegal and unethical transplantation practices."

- “calls on medical and scientific professional and regulatory bodies to name, shame and ostracize individuals, institutions and their affiliates involved in the forced harvesting and trafficking of human organs.”
- “calls on the Government of Canada to consider ways to discourage and prevent Canadians from taking part in transplant tourism, where the organs have not been obtained in an ethical, safe and transparent fashion.”

## **Forced Labour Camps/Jobs/Exports**

Related to organ pillaging is the use of forced labour to manufacture products in an estimated 350 camps across China. Matas and I visited about a dozen countries to interview Falun Gong survivors, who managed to leave both the camps and their country. They told us of working in appalling conditions for up to sixteen hours daily in these camps with no pay and little food, crowded sleeping conditions and torture. Inmates made a range of export products for subcontractors to multinational companies.

This constitutes both corporate irresponsibility and a violation of World Trade Organization (WTO) rules; it also calls for an effective response by all trading partners of China. Responsible governments should place an onus on importers to prove their goods are not made in effect by slave labour.

Professors Peter Navarro and Greg Autry in California point out in their book, *Death by China*, that across the U.S. more than 50,000 manufacturing plants and more than 20 million American jobs have been outsourced over several decades, mostly to China. How many livelihoods have been similarly lost in Canada and elsewhere in the same period? The *Globe and Mail* this week (Jun 2) quoted a survey in which 49% of Canadians now oppose investment from China, compared to 78% welcoming it from Japan, 67% for South Korea and 60% for India.

## **The Party**

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...”

Transparency International ranked China 75th on its perceived corruption index for 2011. The Economist quotes a central bank of China estimate that between the

mid-1990's and 2008 some 16,000- 18,000 Chinese officials and executives of state-owned companies "made off with a total of \$123 billion (about six million each)." The magazine concluded, "By turning companies into organs of the government, state capitalism simultaneously concentrates power and corrupts it."

It is difficult for observers outside China to understand that 'trials' there are simply scripted theatre. Canadian lawyer Clive Ansley practised law in Shanghai for 14 years, handling about 300 cases in their courts before returning to British Columbia, 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.

Last month, Human Rights Watch reported on current torture practices in China, illustrating with the case of lawyer Yu Wensheng, arrested last October in Beijing for supporting the democracy movement in Hong Kong. During 99 days, Yu was interrogated about 200 times, sometimes for 20 hours daily. When regime officials decided he was not co-operating, they placed him in a 'tiger chair'. The pain, he said later, "was beyond what I could bear...If they could use torture of this kind on a lawyer, it's impossible for ordinary people to receive real human rights."

### **'Corruption is the System'**

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 no doubt 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.

As the respected NGO, Human Rights in China (HRIC), pointed out on May 21, the government's draft law on foreign NGOs would also downgrade its international engagement by requiring them, if implemented in current form, to accept a "high level of state oversight and control over all their activities by public security authorities and Chinese professional supervisory units."

Former Premier Wen Jiao-Bao noted before he left office, "The reform in China has come to a critical stage. 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.”

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. 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?

### **Making Trade Fair**

Peter Navarro, a Harvard Ph.D. in economics, argues convincingly that consumer markets worldwide have been "conquered" by China largely through cheating. Prof. Navarro has many proposals to ensure that trade becomes fair. Specifically, he says all nations should:

- define currency manipulation as an illegal export subsidy and add it to other subsidies when calculating anti-dumping and countervail penalties;
- respect intellectual property; adopt and enforce health, safety and environmental regulations consistent with international norms;
- ban the use of forced labour effectively-not merely on paper as now and provide decent wages and working conditions for all;
- Apply provisions for protection of the natural environment in all bilateral and multilateral trade agreements in order to reverse the ‘race to the environmental bottom’ in China and elsewhere.

In a soon-to-be published book, Navarro provides a further analysis of American short-sightedness generally about China - including allowing U.S. multinationals to offshore production to benefit from Beijing’s export subsidies, sweatshops, forced labour, currency manipulation, and absent environmental controls.

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.