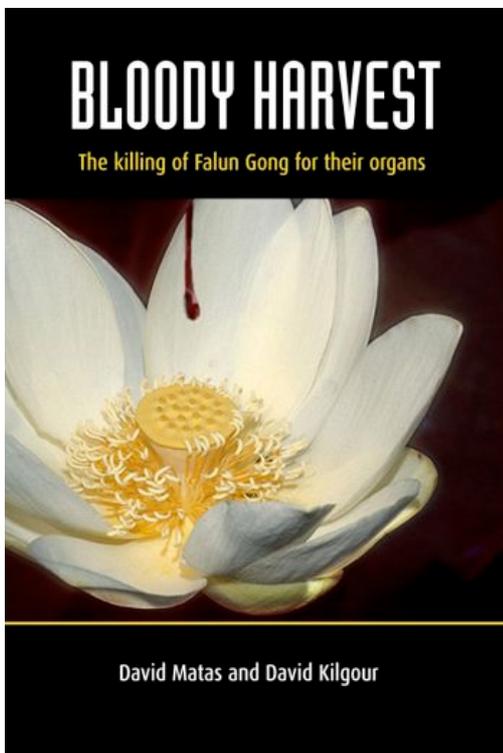


ORGAN PILLAGING AND RESPONSIBLE ENGAGEMENT WITH CHINA

International Human Rights Day
Hon. David Kilgour, J.D
Seminar in UK Parliament, Palace of Westminster
10 Dec. 2009
London

David Matas, a respected Canadian lawyer, and I have come to the dismaying conclusion that Falun Gong practitioners in China have been and are being killed without any form of trial for their organs on a large scale. We wrote as volunteers an independent report that came to this conclusion, which came out in July 2006. There was an updated version in 2007. A book was published last month titled *Bloody Harvest*, which was presented recently at a meeting of the all-party Canadian Parliamentary Friends of Falun Gong.

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



Falun Gong is a traditional Chinese spiritual discipline with principles for living, meditation and exercises which was introduced across China in 1992. Outside the Middle Kingdom, it is now practised in over 70 countries. The party-state encouraged it initially as beneficial for public health. By 1999, it had grown so popular that the Party became afraid that its own numerical and ideological supremacy were being threatened. The numbers practising across China had grown from virtually none in 1992, according to a government estimate, to 70-100 million persons. The practice was accordingly banned and practitioners have been demonized in the party media with all manner of untruths continuously since 1999.

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 detention and forced labour 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, two 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.

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 done in China since 1999. 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.

The only significant source in China of organs for transplants before the persecution of Falun Gong practitioners began in 1999 was prisoners sentenced to death and then executed. The volume of organ transplants in China went up dramatically shortly after the banning of Falun Gong. Yet, the numbers of those sentenced to death and then executed did not increase.

We estimate that about 41,500 organs transplanted over the period of persecution up to 2005 came from Falun Gong practitioners. How we reached this conclusion is explained in our book and also in our report. We deducted from the 90,000 transplants a government spokesman said were done over the period examined those which came from executed criminals and other explained sources. The difference was a dismaying 41,500. Consider how much money the party-state and its agents are making from organ sales and forced labour provided by Falun Gong practitioners.

Forced Labour Camps

David Matas and I visited about a dozen countries to interview Falun Gong practitioners sent to forced labour camps, 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 clothing 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 no form of hearing or 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' or 'carnivore' economics that allows such frankly barbaric practices to persist.

To make all this more specific, permit me to mention two of the myriad heroic Chinese nationals affected by this new form of crime against humanity: Crystal Chen and Gao Zhisheng.



Crystal Chen



Gao family

Falun Gong practitioner Crystal Chen, the former assistant to the head of a large import/export company and amateur actress, who spent three years in a camp and was medically tested about seven times, including two blood examinations. Her experiences with beatings, being shackled and stretched, and prolonged sleep deprivation include this incident. In the Tianhe detention centre, she was thrown on the floor of her cell and four large men held her down. A one-pound bag of salt was poured in a bottle and a small amount of water added. Guards shoved the opening 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 the following days and could not eat. My gums were full of blood, I could hardly talk." A male practitioner, university teacher Gao Xianmin, died after being subjected to the same salt torture.

Despite all, Chen 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.

Gao Zhisheng

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 (a Christian), learning that the court had refused to hear the case because of "orders from above", wrote to the National People's Congress and later to the top leadership in Beijing. He spoke of the investigation he had made into the persecution of Falun Gong, of learning of the "indescribable violence done to our kind people", and of how spending a dozen days interviewing Falun Gong practitioners was a "shocking experience".

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 before finally in despair fleeing the country. 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.

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 mostly foreign to local, but the sources remain substantially the same. The government denies that organs 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 Jiefu 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.

At the time of the announcement of an organ donor pilot project, Huang indicated 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 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 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.

Responsible policies

Nobel laureate economist Paul Krugman recently predicted that Beijing's ongoing refusal to let its currency float will cause retaliation from the European Union and elsewhere, where high unemployment can be traced in part to Beijing's ongoing refusal to let the yuan rise and its manufacturing focus in a world struggling with overcapacity. The party-state continues to dump consumer goods-no doubt including many made in forced labour camps- at lower-than-cost in foreign markets. The manipulated yuan creates an enormous competitive advantage for China and keeps some workers from Manchester to Montreal to Manila out of work. Krugman also says that by displacing the output of foreign producers with its own low-wage goods China is arguably the prime culprit in holding back a robust recovery in global economies.

Peter Navarro, a professor at the University of California, says that consumer markets across the world have been “conquered” by China largely through cheating on trade practices. These include export subsidies, widespread counterfeiting and piracy of products, currency manipulation, and environmental, health and safety standards weakly enforced. Navarro says new trade legislation by all of China’s trade partners could help achieve fair trade through the following:

- All economies must refrain from illegal export subsidies and currency manipulation and abide by the rules of the World Trade Organization (WTO);
- For currency manipulation, he supports what the bi-partisan US-China Commission has recommended to the American Congress: define it as an illegal export subsidy and add it to other subsidies when calculating anti-dumping and countervail penalties;
- Every trade partner must respect intellectual property; adopt and enforce health, safety and environmental regulations consistent with international norms; provide decent wages and working conditions; and effectively ban the use of forced labour;
- Adopt a 'zero-tolerance' policy for anyone who sells or distributes pirated or counterfeit goods;
- Defective and contaminated food and drugs must be blocked more effectively by measures which make it easier to hold importers liable for selling foreign products that do harm to people or pets;
- Despite growing criticism, China's party-state continues to trade its UN Security Council veto for energy, raw materials and access to markets from Angola to Burma to Zimbabwe. Increased monitoring and exposure of its party-state activities everywhere is important;
- To reverse the 'race to the environmental bottom' in China, require all to compete on a level playing field and to reduce acid rain and smog affecting populations abroad; all trade agreements should henceforth include strong provisions for protection of the natural environment.

Conclusion

The Chinese people want the same things as you, Canadians and people everywhere, including, respect for all, education, to be safe and secure, good jobs, the rule of law and a sustainable natural environment. Living standards have improved on the coast and in other urban areas in China, but there is a huge cost. Most Chinese continue to be exploited by the party-state and firms, often owned by or contracted for manufacturing to multinationals, which operate today across their country like 19th century robber barons. This explains partly why the prices of consumer products 'made in China' seem so low—the externalities are borne by workers, their families and the natural environment.

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 dignity 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. The Chinese people for whom, like you, I have the strongest admiration 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 if given the opportunity.

Thank you.