



## General Assembly

Distr.  
GENERAL

A/HRC/7/3/Add.1  
19 February 2008

ENGLISH/FRENCH/SPANISH  
ONLY

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Human Rights Council  
Seventh session  
Agenda Item 3

### **PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on torture and other cruel, inhuman or  
degrading treatment or punishment, Manfred Nowak**

#### **Addendum**

**Summary of information, including individual cases, transmitted  
to Governments and replies received<sup>\*</sup>**

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<sup>\*</sup> The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Further restrictions have been placed upon Mr. Gyatso regarding his monthly family visits rights and that his health is rapidly deteriorating. Earlier in 2006 he was hospitalized for several weeks and is currently unable to walk normally due to a leg injury. Also, contrary to information provided by Mr. Gyatso during his meeting with the Special Rapporteur on torture, Mr. Gyatso's prison term was actually extended by three years for "inciting splittism" following the incident at TAR Prison. This means that Mr. Gyatso is scheduled for release only in 2014.	been sentenced but not having served the sentence in its entirety, commits a new crime, a judgement shall be rendered in respect of the new offence; taking the crime into account, the duration of the combined punishment shall not exceed the length of the individual sentences taken together, nor shall it be any shorter than the longest of the individual sentences. It was pursuant to this provision that the Lhasa Intermediate People's Court issued the above-mentioned sentence in respect of Jinmei Jiacao. After entering prison, Jinmei Jiacao enjoyed the same rights and treatment as other criminals. From November 2005, before he met with the Special Rapporteur on the question of torture in November 2005, until the present he has remained in a double cell, and his conditions of detention have not changed; there is no substance to the allegation in the letter that "since meeting with the Special Rapporteur [he] has been ill-treated and held in solitary confinement in particularly restricted conditions". Jinmei Jiacao is currently in excellent health and receives regular visits from family members, and the allegations in the letter that "restrictions have been placed on [him] regarding his ... family visits and that his health is rapidly deteriorating" are not true.
36.		25/01/07	JAL	RINT; TOR	<b>Organ harvesting</b> (see also A/HRC/4/33/Add.1, para. 40). A critical issue was not addressed in the Government's previous responses, in particular: It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable	By letter dated 19/03/07, the Government informed that it has carefully examined the matters referred to in the communication and, with particular attention to the request put forward in the communication that the Chinese Government explain the discrepancy in the number of

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					<p>sources, namely: annual estimates of executed prisoners by whom a high percentage of organs are donated, according to the statement in 2005 of the Vice Minister of HLTH, Mr. Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the short waiting times that have been advertised for perfectly-matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons. The Special Rapporteurs note reports that on 15 November 2006, Vice-Minister Huang reiterated at a conference of surgeons in Guangzhou that most organs harvested come from executed prisoners. And notwithstanding the reported stringent criteria in place for donors, including for those sentenced to death, the Government informed in its response of 28 November, that voluntary donations, and donations between relatives are the two other legitimate sources of transplant organs. According to the allegations, based on data from the China Medical Organ Transplant Association, between the years 2000 and 2005 there were 60,000 transplantations performed, or approximately 10,000 per year for six years. This period</p>	<p>transplants between the years 2000-2005 and the numbers from identifiable sources of organs, submits the following response. First, China's annual health statistics are compiled on the basis of categories of health disorder and not in accordance with the various types of treatment provided. For that reason, to date no Chinese authority has compiled official statistics on organ transplants for the period 2000-2005 and the allegations in the communication that we have received that, between the years 2000 and 2005, 60,000 transplantations were performed are drawn from erroneous data cited in a report compiled by two Canadians investigating allegations of organ harvesting of Falun Gong practitioners in China. The report claims: "Professor Bingyi Shi, vice-chair of the China Medical Organ Transplant Association, says there were about 90,000 [organ transplants] in total up until 2005, leaving about 60,000 in the six-year period 2000 to 2005 since the persecution of Falun Gong began." It has been ascertained that, in January 2007, during an interview with the BBC, Professor Shi Bingyi expressly clarified that on no occasion had he made such a statement or given figures of this kind, and these allegations and the related figures are pure fabrication. Given the above situation, the so-called "discrepancy" referred to in the communication that we have received does not make sense. In addition, from the point of view of medical science, during a person's lifetime that person may express the wish to donate one or more organs after his or her</p>

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					<p>coincides with the alleged rise in the persecution of Falun Gong practitioners. In 2005, it is reported that only 0.5% of total transplants were accounted for by donations by relatives; non-relative brain dead donors were around nine in 2006; and estimates—given that the Government does not make public statistics on executions—for 2005 indicate 1770 executions were carried out, and 3900 persons sentenced to death. It is alleged that the discrepancy between the number of transplants carried out and the number of available sources is made up from the harvesting of organs from Falun Gong practitioners. However, it is also reported that the true number of executions is estimated to be around 8,000 to 10,000 per year, rather than the figure of 1770 executions referred above. As the Special Rapporteur on torture recommended in his report on his visit to China, he reiterates that the Government (E/CN.4/2006/6/para. 82, recommendation q) should use the opportunity of the restoration of the power of review of all death sentences by the Supreme People's Court to publish national statistics on the death penalty. A full explanation of the source of organ transplants would disprove the allegation of organ harvesting of Falun Gong practitioners, particularly if they could be traced to willing donors or executed prisoners. The request for an explanation for the discrepancy in the number of transplants between the years 2000 to 2005 and the numbers from identifiable sources of organs is reiterated.</p>	<p>death, so it is not possible to estimate the number of organ donors on the basis of a one-to-one correlation with the number of organ transplants. Second, as a State member of the World Health Organization (WHO), in carrying out organ transplants China unswervingly respects the WHO Guiding Principles on Human Organ Transplantation of 1991, strictly prohibits the buying and selling of human organs and insists on the principle that donations of human organs may only be made on a purely voluntary basis, with the prior written agreement of the organ donor. On 1 July 2006, the Chinese Government promulgated its interim provisions on the clinical application and management of human organ transplantation, reaffirming that human organs may not be bought or sold; that medical establishments may only use transplanted human organs with the written agreement of the donors; that donors have the right at any time prior to transplantation to refuse donation of their organs; that medical establishments conducting human organ transplantation must be properly equipped to be able to ensure the quality and safety of medical treatment; and that ethical principles must be respected. The aim of these provisions is to standardize and strengthen the clinical application and management of human organ transplantation, and to ensure the quality and safety of medical treatment. In China, it is categorically prohibited to coerce persons sentenced to death into donating their bodies or organs or for their bodies or organs to be resold for profit. The organs and bodies of</p>

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						<p>people sentenced to death may only be used in strict compliance with the relevant regulations. Primary among these are the following: (a) they may only be used with the prior written agreement of the prisoners themselves and of their family members; (b) they may only be used with the approval of the health authorities at the provincial level and of the provincial high court; and (c) units using such organs or bodies must secure the approval of the health authorities at the provincial and higher level and must be properly equipped to conduct the applicable medical research or to carry out the relevant transplantation surgery. Although China has strict prohibitory regulations in place relating to organ transplants, it is still hard to put a stop to certain unlawful practices. As soon as the relevant administrative bodies discover and verify that such unlawful activities are being conducted, the necessary action is taken to punish them in accordance with the law. Currently, regulations on the transplantation of human organs, as drafted by the Ministry of Health, have been issued and submitted to the State Council for its consideration and the State Council is soliciting the views of relevant Chinese and foreign experts and of WHO on the content of the draft text. It is our belief that the formulation of these regulations will help set in place a more standardized system for the management of human organ transplantation. Third, in order to ensure optimal use of the limited sources of organs, by drawing on current international practice, the relevant departments are currently</p>

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						giving close attention to the formulation of laws and regulations governing transplantation of human organs, exploring the creation of a human organ transplantation allocation system and applying the same organ allocation principles as WHO, the United States of America, the European Union and other bodies. It must be noted that the allegation in the report by the United Nations Special Rapporteur that China has “a computerized matching system for transplants” is inaccurate. To date, there is no institution in China responsible for coordinating and allocating organs and no network system in this area, nor does it have a live organ donor base and is not likely to establish such a donor base in the foreseeable future. Currently, the sourcing of organs and surgical operations involving organs are the responsibility of medical institutions. Fourth, the Chinese Government wishes to draw the Special Rapporteur’s attention to the following fact: the situation and the figures alleged in the communication that we have received are merely the product of agitation by Falun Gong; furthermore, most of them have already been revealed to be unfounded rumours.
37.		31/01/07	JUA	WGAD; FRDX; RINT; HRD; TOR	<b>Jamyang Gyatso</b> , a monk at Bora Monastery in Xiahe, Northwest Gansu. On 8 January 2007, Mr. Jamyang Gyatso was arrested by plain-clothed security officials outside Bora Monastery in Xiahe. Officials at the monastery later discovered that Mr. Jamyang Gyatso’s room had been searched and that a bag full of religious scriptures, including CD’s, had been removed. Several calls made to	By letter dated 23/03/07, the Government informed that on 9 January 2007, in accordance with the law, he was placed under investigation by the State security authorities, on suspicion of having conducted unlawful acts which endangered State security. In the course of the investigation Gyatso confessed in full to having committed the offence of incitement to separatism. On 3



## General Assembly

Distr.  
GENERAL

A/HRC/4/33/Add.1  
20 March 2007

Original: ENGLISH / FRENCH /  
SPANISH

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Human Rights Council  
Fourth session  
Agenda item 2

### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Rapporteur on torture and other cruel, inhuman or  
degrading treatment or punishment, Manfred Nowak**

#### **Addendum**

**Summary of information, including individual cases, transmitted  
to Governments and replies received\***

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Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					Eastern Lightning group. Xu was also accused of defrauding his congregation of over thirty-two million Yuan. Xu Shuangfu, was kidnapped in April 2004 by gun-wielding men in a police car while visiting congregation members in neighboring Haerbin, Heilongjian Province. Reports indicate that he was held incommunicado for some time before his family was informed of his detention. Concern has been expressed that Xu Shuangfu and Li Maoxing confessed to their murder charges under torture and subsequently denied their guilt during their trial which was held at the Shuangyashan Intermediate Court, from 28 February to 3 March 2006.	On 4 July 2006 the court handed down its sentence: Xu Shuangfu and Li Maoxing were found guilty of the crimes of murder, wilful and malicious injury, unlawful detention and fraud, for which they were sentenced to death, in accordance with the law; they were also deprived of their political rights for life and their personal property was confiscated. In conducting this trial, the Chinese judicial authorities adhered to the facts of the case, took the law as their criterion, applied the law properly and proceeded in accordance with the law.
40.		11/08/06	JAL	RINT; TOR; Trafficking;	<b>Organ harvesting.</b> Organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations, for the purpose 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. It is reported that employees of the following transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants: Zhongshan Hospital Organ Transplant Clinic in Shanghai, Qianfoshan City Liver Transplant Hospital in Shangdong, Nanning City Minzu Hospital in Guangxi	By letter dated 28/11/06, the Government reported that in March 2006, Falun Gong began fabricating the so-called "Sujiatun concentration camp" issue, saying that 6,000 practitioners had been incarcerated in Sujiatun Hospital in Shenyang, Liaoyang Province, and that two thirds of them had had organs removed from their living bodies and the corpses cremated to destroy the evidence. In order to clarify the facts, the Sujiatun District government carried out an investigation at the hospital; domestic and foreign media including Japan's NHK and Hong Kong's Phoenix Satellite Network and Ta Kung Pao conducted on-site interviews; and two visits were paid by US consular personnel. Based on the results of these investigations it was discovered that the hospital only had 300 beds and was completely incapable of housing more than



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					Autonomous Region, Jiaotong University Liver Transplant Centre in Shanghai, Zhengzhou Medical University Organ Transplant Centre in Henan, Oriental Organ Transplant Centre in Tianjin City, Tongji Hospital in Wuhan City in Hunan and General Hospital of Guangzhou Military Regional in Guangdong. It is reported that employees from the following detention facilities have indicated that organs from Falun Gong detainees have been used for transplants: Mijiang Detention Centre in Heilongjiang, First Detention Centre of Qinhuangdao City in Shangdong Province and Second Detention Centre of Qinhuangdao City in Shangdong Province. 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 the following detention facilities have indicated that courts have been involved in administering the use of organs from Falun Gong detainees, namely: Qinhuangdao Intermediate People's Court in Shangdong Province, First Criminal Bureau of the Jinzhou Intermediate People's Court and Kunming Higher People's Court. It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources, namely: estimates of executed prisoners annually, of which a high percentage of organs are donated, according to	6,000 persons. There was no basement for incarcerating practitioners, as alleged. The so-called "cremation oven" is in fact a boiler/furnace room, whose primary function is to provide heat and disinfect medical instruments. This boiler room has several transparent glass windows and a lawn outside that is open to the public where nearby residents come daily to stroll. In such a place, there is simply no way to cremate corpses in secret, continuously, and in large volumes. The rumors fabricated by Falun Gong collapse on their own. Everyone recognizes that Sujiatun Hospital is nothing but a simple hospital to treat coronary disease and that there is no evidence to show that it is being used for any purpose. This once again proves that the "Sujiatun concentration camp" fabricated by Falun Gong is nothing more than a rumor. As a WHO Member State, the Government resolutely abides by the WHO 1991 Guiding Principles on Human Organ Transplants and strictly forbids the sale of human organs. Human organ donation must be done voluntarily and with the written consent of the donor. The human organ transplant regulations that took effect on 1 July 2006 reiterate that human organs must not be sold, that human organs used for transplant by medical facilities must have the written consent of the donor, that a donor has the right to refuse to donate before the organ transplant takes place, and that medical facilities carrying

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					<p>the statement in 2005 of the Vice Minister of Health Mr Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the reportedly short waiting times that have been advertised for perfectly-matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons. On organ transplants, in general, it has been reported that in March 2006, legislation was introduced which bans the sale of human organs and requires the donor to give written permission. The legislation also limits transplants to certain institutions, which must verify the source of the organs. This law came into force on 1 July 2006. Contrary to the Government assertion that human organs have been prohibited from sale, in accordance with the 1991 WHO guiding principles, it has been reported that up to this time Chinese law has allowed the buying and selling of organs; has not required that donors give written permission for their organs to be transplanted; there has been no restriction on the institutions which could engage in organ harvesting or transplants; there was no requirement that the institutions engaged in transplants had to verify</p>	<p>out human organ transplants must have the capacity to ensure medical quality and safety in accordance with ethical principles. The goal of these regulations is to standardize and improve the management of clinical practice of human organ transplant operations in order to safeguard medical quality and safety. Presently, the relevant government agencies are drafting human organ transplant regulations in order to create the necessary regulation of human organ donation, registration, matching, and transplant. China absolutely does not allow forced donation or trafficking in the corpses or organs of executed criminals, which are used in strict accordance with the relevant regulations. Notably: written consent must be received from the criminal to be executed and his family; approval must be received from the provincial-level health authority and the provincial-level higher people's court; and the unit using the organs must have the authority/capacity to conduct medical science research or transplant operations. The question of organ donation is not part of the inquiries made at the time of execution. Those death-row criminals who wish to donate their corpse or organs after they are executed must express this voluntarily in writing. Mobile execution vehicles are used solely by the courts to carry out execution by lethal injection. They do not, and are strictly forbidden to, transport organs. According to Chinese laws and regulations, individuals who</p>

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					that the organs being transplanted were from legal sources; and there was no obligation to have transplant ethics committees approve all transplants in advance. Moreover, evidence exists, for example, that at least up until April 2006 price lists for organ transplants in China were published on the Internet.	are sentenced to death are those criminals who have committed extremely serious crimes and who should be sentenced to death and executed immediately (i.e. without reprieve), not for being Falun Gong practitioners. For this reason, there are no statistical data for Falun Gong practitioners who have been executed. In order to deal with the problem of organ supply, each country typically uses two methods: one, to increase social awareness and mobilize the population to donate organs; and two, to facilitate live organ donation and transplant between relatives. China's methods are not exceptions. Moreover, it has placed serious restrictions: citizens who donate live organs must be at least 18 years old and be in possession of full civil capacities; and the live organ recipient must be the spouse, direct blood relative, or within three generations of collateral blood relatives.
41.		22/08/06	JUA	HRD; IJL; TOR;	<b>Gao Zhisheng</b> , aged 42, a human rights lawyer in Beijing (the subject of previously transmitted communications, see above). On 15 August 2006, he was residing with his sister in the city of Yingshe, Shandong Province. At noon, ten to twelve plain clothes officers of the Beijing Public Security Bureau entered the house and detained him "for questioning related to his suspected involvement in criminal activities". It is reported that Mr Gao had been under strict surveillance by the secret police for several months prior to this. The day before he was detained, the phone of the house where he was residing was disconnected,	



**General  
Assembly**

Distr.  
GENERAL

A/HRC/7/10/Add.1  
28 February 2008

ENGLISH/FRENCH/SPANISH

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HUMAN RIGHTS COUNCIL  
Seventh session  
Agenda Item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on freedom of religion or belief,  
Asma Jahangir**

**Addendum**

**Summary of cases transmitted to Governments and replies received \* \*\***

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\*\* The present report was submitted later than the indicated deadline, in order to incorporate the latest available information on the subject matter.

### **Urgent appeal sent on 22 December 2006 jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention**

38. The Special Procedures mandate holders brought to the attention of the Government information they had received concerning Mr. **Cao Dong**, a Falun Gong practitioner. According to the information received, on 21 May 2006, Mr. Dong met with the Vice-President of the European Parliament, Mr. Edward McMillan-Scott, in Beijing. Following this meeting, he was arrested and transferred to the Gansu Province State Security Bureau Detention Centre. On 29 September 2006, Mr. Dong was charged with “producing Falun Gong material”. His current whereabouts are unclear and his family has not been allowed to visit him since the arrest. Gansu local authorities informed Mr. Dong’s family that he will be on trial soon. Mr. Dong has previously been placed in administrative custody for being a Falun Gong practitioner.

### **Observations**

39. The Special Rapporteur regrets that she has not received a reply from the Government concerning the above mentioned allegation. She would like to refer to her predecessor’s conclusions and recommendations after his country visit (E/CN.4/1995/91, page 133): “The Special Rapporteur considers that there must be no interference with religious activity falling within the scope of the 1981 Declaration. At all events, there must not be any surveillance of a kind to infringe the right to freedom of belief and to manifest one’s belief. With regard to sects, the Special Rapporteur particularly wishes to point out that the 1981 Declaration protects not only religion, but also theist beliefs and that article 1, paragraph 3, of that Declaration states that freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.”

### **Communication sent on 25 January 2007 jointly with the Special Rapporteur on the question of torture.**

40. The Special Rapporteurs sent a letter to the Government of the People’s Republic of China as a follow-up to a communication sent on 11 August 2006 (see A/HRC/4/21/Add.1, paras. 107-111). To this communication China had sent a response on 28 November 2006 (see A/HRC/4/21/Add.1, paras. 112-118), in which however the following issue was not addressed. It was reported that there were many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources. Moreover, the reportedly short waiting times that had been advertised for perfectly-matched organs would have suggested the existence of a computerised matching system for transplants and a large bank of live prospective donors. It was alleged that the discrepancy between available organs and numbers from identifiable sources was explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincided and correlated with the beginning of the persecution of these persons. The Special Rapporteurs noted reports that on 15 November 2006, Vice-Minister Huang reiterated at a conference of surgeons in Guangzhou that most organs harvested come from executed prisoners. Notwithstanding the reported stringent criteria in place for donors, including for those sentenced to death, the Government informed in its response of 28 November 2007, that voluntary donations and donations between relatives were the two other legitimate sources of transplant organs. The Special Rapporteurs also noted that between the years 2000 and 2005 there were 60,000 transplantations performed, or approximately 10,000 per year for six years. This period coincides with the alleged rise in the persecution of Falun Gong practitioners. In 2005, it was reported that only 0.5% of total transplants were accounted for by donations by relatives;

non-relative brain dead donors were around nine in 2006; and estimates—given that the Government does not make public statistics on executions—for 2005 indicate 1770 executions were reportedly carried out, and 3900 persons sentenced to death. It was alleged that the discrepancy between the number of transplants carried out and the number of available sources is made up from the harvesting of organs from Falun Gong practitioners.

41. The Special Rapporteurs asked for a full explanation of the source of organ transplants that would disprove the allegation of organ harvesting of Falun Gong practitioners, particularly if they could be traced to willing donors or executed prisoners. Therefore, they reiterated their request for an explanation for the discrepancy in the number of transplants between the years 2000 to 2005 and the numbers from identifiable sources of organs.



**General  
Assembly**

Distr.  
GENERAL

A/HRC/4/21/Add.1  
8 March 2007

ENGLISH/FRENCH/SPANISH

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HUMAN RIGHTS COUNCIL  
Fourth session  
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Rapporteur on freedom of religion or belief,  
Asma Jahangir\***

Addendum

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**Communication sent on 29 December 2005 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences**

105. The Special Rapporteurs brought to the attention of the Government information they had received concerning **two female Falun Gong practitioners**. According to the information received, on the night of 24 November 2005, one woman aged 51 was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and shocked with stun batons. At approximately 2 p.m. on 25 November 2005, a police officer took her to a room, where he lifted her shirt and touched her breasts. He then shocked her breasts with a stun baton. Another police officer came into the room and raped her. During the rape, he repeatedly slapped her in the face. He then brought another woman aged 42 into the same room and raped her too. The two rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.

**Communication sent on 11 August 2006 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on trafficking in persons, especially in women and children**

107. The Special Rapporteurs brought to the attention of the Government information they had received concerning **organ harvesting**. According to the allegations received, 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.

109. It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources, namely: estimates of executed prisoners annually, of which a high percentage of organs are donated by, according to the statement in 2005 of the Vice Minister of Health Mr. Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the reportedly short waiting times that have been advertised for perfectly-



matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors.

110. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons.

111. On organ transplants, in general, it has been reported that in March 2006, legislation was introduced which bans the sale of human organs and requires the donor to give written permission. The legislation also limits transplants to certain institutions, which must verify the source of the organs. This law came in force on 1 July 2006. Contrary to the Government assertion that human organs have been prohibited from sale, in accordance with the 1991 WHO guiding principles, it has been reported that up to this time Chinese law has allowed the buying and selling of organs, has not required that donors give written permission for their organs to be transplanted, there has been no restriction on the institutions which could engage in organ harvesting or transplants, there was no requirement that the institutions engaged in transplants had to verify that the organs being transplanted were from legal sources, and there was no obligation to have transplant ethics committees approve all transplants in advance. Moreover, evidence exists, for example, that at least up until April 2006 price lists for organ transplants in China were published on the Internet.

**Urgent appeal sent on 31 August 2006 jointly with the Special Rapporteur on the question of torture 120.**

The Special Rapporteurs received information concerning Bu Dongwei (also known as David Bu), aged 38, and Falun Gong practitioner. According to the allegations received, on 19 May 2006, he was detained by around seven police officers at his home in the Haidian district of Beijing. On 19 June 2006, he was assigned to two and a half years re-education through labour in connection with his activities as a member of the Falun Gong spiritual movement by Beijing's Re-education through Labour Committee, which has the power to impose periods of arbitrary detention without charge or trial. He was accused of "resisting the implementation of national laws" and "disturbing social order" on the basis of evidence including a verbal confession he made to the police and 80 copies of Falun Gong literature discovered in his home. He is due to be released on 18 November 2008.

121. Despite repeated requests to the authorities, his family has not been told where he is being detained although unconfirmed reports have been received that he may have been transferred to Tuanhe Re-education through Labour facility in Beijing on 21 August 2006. There are concerns that he is at risk of torture or other ill-treatment. Bu Dongwei had previously served a term of ten months re-education through labour from August 2000 to May 2001 in Tuanhe for 'using a heretical organization to disrupt the implementation of the law' after he petitioned the authorities asking them to review their ban on Falun Gong. During this period, he was reportedly beaten and made to sit all day in a small chair. He was also subjected to sleep deprivation aimed at forcing him to renounce his belief in Falun Gong.