

Forced Live Organ Extraction in China

Location: Westminster Hall

Date: Tuesday 26 March

Time: 09:30 – 11:00

Host: Jim Shannon

1) Overview

The debate has been tabled amid the growing concerns relating to the allegations of forced live organ extraction from prisoners in China. The victims are members of religious and ethnic minority groups, primarily Falun Gong practitioners (a Buddhist School meditation practice) but also Uyghurs, House Christians and Tibetans.

Forced organ extraction, also referred to as forced organ harvesting, is when people are killed for the organ to be removed. The recipients are wealthy Chinese or transplant tourists who travel to China and pays a substantial sum to receive the transplant. The waiting times are extremely short and at times even vital organs are booked in advance.

The seriousness of the situation has been brought into stark focus by the ongoing China Tribunal, chaired by Sir Geoffrey Nice QC, which has issued a telling Interim Judgement. The Interim Judgement states that the Tribunal are “sure beyond reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practised for a substantial period of time involving a very substantial number of victims”.¹

Specific areas of focus will include:

- **What are the allegations and what is the available evidence that has been submitted, investigated and documented?**
- **Discrepancies in explaining the organ sources for the claimed number of transplants, which suggest an undisclosed source**
- **The wider concerns linking religious persecution and mass imprisonment with the threat of live organ extraction in China**
- **Case studies of examples of Chinese prisoners facing torture and undergoing forced DNA, blood and organ scanning tests**
- **The China Tribunal²**
- **Current Chinese law relating to forced organ removal from executed prisoners**
- **The international response from governments and subsequent legislation that has been actioned**

Current claims made by the Chinese officials, and how these differ from witness testimonies and statements, will be questioned. Also discussed will be the documented rise in the number of organ transplant centres and international organ tourism to China, and how this correlates with the persecution of Falun Gong practitioners since July 1999. The debate will also explore the scale and seriousness of the persecution, and the linked threat of live forced organ extraction from an estimated 70–100 million people.³ Noting too, that this persecution has been met with international inaction for so many years, and what the subsequent consequences have been.

The current situation of religious persecution and mass imprisonment of Uyghurs in “re-education camps” will also be looked at, while assessing and considering the troubling trend and continued threat of persecution faced by religious and ethnic minorities throughout China.

¹ China Tribunal Interim Judgement – <https://chinatribunal.com/interim-judgement/>

² The China Tribunal – <https://chinatribunal.com/>

³ www.forbes.com/2006/02/09/falun-gong-china_cz_rm_0209falungong.html#aa50ddac2055

2) Ethical Organ Transplantation vs Live Forced Organ Extraction

The following is a brief summary of the distinction between ethical organ transplantation and forced live organ harvesting, looking at international awareness and standards. The prerequisite of ethical transplant medicine is altruistic organ donation after giving free, voluntary and informed consent. The World Medical Association has described criteria,⁴ according to which prisoners, deprived of their freedom, are not in a position to give free, voluntary consent. Harvesting organs from either executed prisoners or prisoners of conscience thus lacks meaningful consent, rendering this organ procurement pathway as fundamentally unethical.

While one could argue that organ procurement after a legal execution might be acceptable, this reasoning is completely annihilated in the case of living prisoners of conscience, who are not convicted of a crime and do not face the death penalty. The situation of prisoners of conscience in China comes with additional problems. Transparency and traceability, two crucial principles in ethical transplant medicine, are eliminated, since certain prisoners of conscience, particularly Falun Gong practitioners, do not disclose their identity to protect relatives and friends from repercussions. They then become “number prisoners”, who can disappear in the system without leaving a traceable identity. They are at high risk of dying as an “unknown” person.

3) Evidence of Live Organ Extraction in China

3.1) Analysing the Evidence

Concerns relating to the practice of state-sanctioned forced organ extraction have been rife in China since the year 2000, with the growing trend in international organ tourism to China and the subsequent boom in Chinese organ transplant and associated medical centres. Evidence of forced organ extraction is extensive and broad reaching, the main concerns have been specifically outlined within several key investigative reports, including:

- 2006 investigation titled **Bloody Harvest: The Killing of Falun Gong for their Organs**⁵, authored by David Kilgour, former Canadian Secretary of State for Asia-Pacific, and David Matas, senior legal counsel of B’nai Brith Canada. This report focused on intensive research and interviews, being the first report to conclude that the practice of forced organ harvesting is happening throughout China.
- 2014 investigation titled **The Slaughter: Mass Killings, Organ Harvesting, and China’s Secret Solution to Its Dissident Problem**,⁶ authored by Ethan Gutmann, investigative writer and author. It compiles an 8-year investigation – including extensive witness testimony – and is described as “The inside story of China’s organ transplant business and its macabre connection with internment camps and killing fields for arrested dissidents, especially the adherents of Falun Gong.”
- 2015. China issuing a public statement declaring that they will stop the practice of using executed prisoners for organ transplants was primarily a PR exercise. The **1984 provisions**, decreed by China’s Supreme People’s Court, titled “Temporary Rules Concerning the Utilization of Corpses or Organs from the Corpses of Executed Criminals”, which stipulates that organs may be obtained from prisoners and uncollected bodies, remains in force.
- 2016 investigation titled **“An Update” to Bloody Harvest and The Slaughter**⁷ co-authored by David Kilgour, Dr David Matas and Ethan Gutmann. This 680-page report, including 2,400 footnotes, is a forensic study of 158 Chinese organ transplant centres, analysis of short waiting times and high bed utilisation, and examples of phone call evidence. The report concluded that annual Chinese transplant figures differ greatly from “official Chinese statements” – ranging between 60,000 and 100,000 organ transplants per year.

⁴ www.wma.net/policies-post/wma-statement-on-organ-and-tissue-donation/

⁵ <http://bloodyharvest.info/about/>

⁶ <https://ethan-gutmann.com/the-slaughter/>

⁷ https://endtransplantabuse.org/wp-content/uploads/2017/05/Bloody_Harvest-The_Slaughter-2016-Update-V3-and-Addendum-20170430.pdf

- 2018 investigative article titled **Cold Genocide**⁸ co-authored by Dr Maria Cheung, Dr Torsten Trey, Doctors Against Forced Organ Harvesting⁹, Richard An and Dr David Matas. The authors' analysis of the state-sanctioned intent to "destroy" Falun Gong, through physical, psychological, social and spiritual means demonstrates that the persecution of Falun Gong is a slow genocide. The subtleties of the process and attempts to normalise the persecution within society are discussed, while also questioning the role and jurisdiction of the 610 office.

The magnitude of the concerns relating to China's previous open admission of using executed prisoners for organ transplants and "claimed reform" have been highlighted in a January 2019 investigative paper titled *Analysis of Official Deceased Organ Donation Data Casts Doubt on Credibility of China's Organ Transplant Reform*,¹⁰ co-authored by Matthew Robertson, Dr Jacob Lavee and Dr Raymond Hinde.

This article details how between 1977 and 2009, China performed 120,000 organ transplants, and that Chinese officials have admitted during that period that only 130 transplants came from voluntary donors.

Casting doubt on the current claims of reform, the report also documents information from China's Organ Transplant Response System (COTRS), which states that between 2010 and 2016, China's organ transplant programs reported extraordinary growth. This included claims of a 12,000 % increase in organ donors and a 16,636 % increase in kidney and liver transplants.

The explanation for the unusual and dramatic increase in both success and implementation of China's organ transplant donor programs have not been verified or reviewed by any independent investigations or bodies.

3.2) The China Tribunal

The *China Tribunal* is an independent people's tribunal, established to determine what criminal offences, if any, have been committed by state or state-approved bodies, organisations or individuals in China that may have engaged in forced organ harvesting.

The Tribunal is chaired by Sir Geoffrey Nice QC, who worked at the International Criminal Tribunal for the Former Yugoslavia – the ICTY – and led the prosecution of Slobodan Milosevic. Joining Sir Geoffrey are six panel members¹¹ with expertise in International Law, Human Rights, Medicine, International Relations, Chinese History and Business. The Tribunal was established by the International Coalition to End Transplant Abuse in China (ETAC).¹²

The Tribunal is conducting robust legal analysis of all available reports and investigations into organ transplant practices within China, while issuing a public call for evidence and counter evidence. To date, no Chinese officials have accepted invitations to engage with or participate in the tribunal process.

The Tribunal held public hearings in December 2018, with 30 fact witnesses, experts and investigators appearing before the Tribunal in London.¹³ On the final day, the Tribunal issued an Interim Judgement that in part stated: "The Tribunal's members are all certain – unanimously, and sure beyond reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims."

The Tribunal also stated that "Without reference to criminality, it can be confidently asserted – not insignificant perhaps on 'Human Rights Day' that this year celebrates precisely 70 years to today since the Universal Declaration of Human Rights was adopted – that China's practice of forced organ harvesting as evidenced before us is in breach of, as a minimum, the Declaration's:

⁸ <https://scholarcommons.usf.edu/gsp/vol12/iss1/6/>

⁹ www.dafoh.org<https://osf.io/preprints/socarxiv/zxgec/>

¹⁰ <https://osf.io/preprints/socarxiv/zxgec/>

¹¹ <https://chinatribunal.com/who-we-are/>

¹² <https://endtransplantabuse.org/>

¹³ <https://chinatribunal.com/the-hearings/>

Article 3 (right to life); Article 6 (recognition as a person before the law); Article 7 (equality before the law); Article 9 (not to be subject to arbitrary arrest); Article 10 (full equality to a fair and public hearing in determination of rights); Article 11 (presumption of innocence).”

Article 5 (torture) is also shown to have been breached by witnesses who were called principally to help with evidence of events in prisons regarding medical testing consistent with preparation of individuals for organ harvesting; all of the witnesses, bar one, were tortured. There will be further hearings taking place on April 6 and 7, with the final judgement and report due in June 2019.

3.3) Case Studies

Persecution, Torture and DNA Profiling, Blood Testing and Organ Scanning Examples:

3.3.1) Name: Dai Ying¹⁴

Location and Date of Imprisonment:

- (1) Futian District Detention Centre, Shenzhen City – March 2000 – February 2003
- (2) Sanshui Women’s Forced Labour Camp – February 2003 – February 2005

Description:

Mrs Dai, faced 5 years of forced imprisonment during which time she was routinely tortured, which resulted in the loss of sight in her left eye, parts of her body being permanently deformed and both the top and bottom sets of her teeth being loosened. Her arrest and subsequent illegal detention were actioned on the basis that she was, and remained, a Falun Gong practitioner, while her husband, Mr Li Jianhui, also experienced forced detention and torture for his belief – being imprisoned for 4 years. Neither Mrs Dai or Mr Li, were allowed legal representation during trials or sentencing. During Mrs Dai’s detention, at different times, she regularly experienced forced feeding, being tortured with electronic batons, sleep deprivation and forced labour (from 07:30 to midnight).

There were also unusual and unexplained medical tests which were performed on Mrs Dai, and about 160 fellow Falun Gong practitioners, in April 2004. A team of doctors arrived at Sanshui Women’s Forced Labour Camp to conduct medical tests, which included physical exams, blood tests, X-rays and electrocardiograms. It was discovered that Mrs Dai had heart disease, which resulted in her medical exams being stopped, but she recalled that some Falun Gong practitioners disappeared after the testing procedures were complete.

3.3.2) Name: Yu Xinhui ¹⁵

Location and Date of Imprisonment:

- (1) Guangzhou Huanghua Detention Centre – June 2001 – June 2001
- (2) Cha Tau Detention Centre – June 2001 – September 2003
- (3) Sihui Prison – September 2003 – June 2007

Description:

Mr Yu was illegally arrested and sentenced to 6 years imprisonment because he was a Falun Gong practitioner. During his detention he experienced torture and regular unexplained medical examinations. These medical exams included blood tests, urine tests, X-rays, and heart, liver, kidney and eye examinations.

In late 2004, the police assigned a prisoner the task of forcing Mr Yu to renounce his faith. During this period, torture increased, and he was threatened with being “tortured to death and having his organs sold”.

¹⁴ China Tribunal Hearings, December 8th 2018, Sitting One – www.chinatribunal.com/the-hearings/

¹⁵ China Tribunal Hearings, December 9th 2018, Sitting Two - www.chinatribunal.com/the-hearings/

During medical exams, military police were always present, and it was known throughout the prison that there were lists of prisoners, who would be periodically taken away and never returned. Mr Yu has also described how these prisoners were taken away during the middle of the night by ambulances and large buses. He provided details of prison guards and police coming to the floor of his prison and calling out lists of names – noting, too, that three inmates from his cell were forcibly taken during this process.

3.3.3) Name: Omer Bekari ¹⁶

Location and Date of Imprisonment:

- (1) Jarenbulaq Police Station Centre – March 2017 – April 2017
- (2) Karmay City Prison – April 2017 – November 2017
- (3) Karmay Re-education Camp – November 2017 – November 2017

Description:

Mr Bekari is a Kazakhstan national who was visiting Urumqi, China, to help promote a planned trade exhibition later that year. During his visit, he travelled to Pichan to visit family, where he was illegally arrested on the basis that he was suspected of instigating, organising or covering up terrorism-related offences. No suitable evidence for these charges was ever submitted, and he was not allowed legal representation. During Mr Bekari's detention he suffered torture and multiple, unexplained medical tests, including being transported, while being forced to wear a hood, to a medical centre or clinic, where he underwent physical exams, including ultrasounds and blood tests – without having his hood removed.

During the final phase of Mr Bekari's detention, he was transferred to a “re-education” camp in Karmay, where he again underwent medical examinations and was forced to sleep in a room with 23 people, which was monitored at all times by security cameras. The primary purpose of this “re-education” camp was to “educate” inmates that communism was good through military-style training, which included marching, standing to attention and immediately following orders, while at other times being forced to sing pro-China songs and read statements declaring thanks to President Xi and the Chinese Communist Party.

4) The Worsening Human Rights Tragedy Unfolding in Xinjiang

There are concerns surrounding the forced mass DNA and blood testing of approximately 18 million Uyghurs¹⁷, confirmed by Beijing officials, who stated the actions were mandated by the central government under the pretext of a new state surveillance program. According to a report by Human Rights Watch, the Chinese police have amassed more than 40 million DNA datasets in Xinjiang, underlining the determination of the state to conduct systematic collection of DNA.

Almost immediately after the DNA profiling was complete, which targeted only the local Uyghur population, leaving out local “Han Chinese”, a process of mass imprisonment began in the region. Current estimates are that up to 3 million Uyghurs have been imprisoned¹⁸ in what Chinese officials have branded “party re-education camps”. The link between forced, mass DNA profiling and forced mass imprisonment has led to concerns that the treatment of Uyghur's is not only focused on religious persecution but is also linked to the possible threat of China's live forced organ extraction practices.

With unconfirmed reports of hundreds of thousands of Uyghur prisoners being transported around China for unexplained purposes, there are many unanswered questions arising from the region. In an article exploring the cultural extermination of the Uyghurs, the Washington Post stated, “It's hard to read that as anything other than a declaration of genocidal intent.”¹⁹

¹⁶ China Tribunal Hearings, December 8th 2018, Sitting Two - www.chinatribunal.com/the-hearings/

¹⁷ <https://www.hrw.org/news/2017/12/13/china-minority-region-collects-dna-millions>

¹⁸ <https://www.rfa.org/english/news/uyghur/millions-08032018142025.html>

¹⁹ https://www.washingtonpost.com/opinions/global-opinions/china-has-launched-a-massive-campaign-of-cultural-extermination-against-the-uyghurs/2019/01/07/efe03c9c-12a4-11e9-b6ad-9cfd62dbb0a8_story.html?utm_term=.7c4fd832f73c

5) Religious Persecution, Mass Imprisonment and Generational Restrictions

5.1) Christianity

Reports detail how Chinese citizens now face restrictions on entering churches and are being prevented from doing so if they are under 18, a full-time student, a member of the military, a member of the Chinese Communist Party or a civil servant.

This is being regulated, in part, through churches being forced to install facial recognition technology²⁰. The intent of imposing generational restrictions on religious freedom and the right to practice one's belief cannot be ignored; nor can confirmed reports of mass imprisonment of Christians due to their religious belief.²¹

5.2) Tibetans

Tibet is now described as one of the least free territories in the world,²² with reports now describing how local authorities severely restrict religious freedom, speech, movement and assembly, often through intimidation and violence from local security forces.²³

The situation in Larung Gar is of specific note due to the dramatic decline in conditions within the monastery, which has resulted in thousands of buildings being destroyed and thousands of people being evicted. "Chinese authorities are also imposing pervasive control and surveillance over every level of activity within religious communities."²⁴

6) International Response

Since the publication of the initial reports outlining the concerns forced organ harvesting in China, and organ trafficking around the world, there have been growing international calls for independent investigations and action, including, but not limited to:

6.1) To date, Italy, Spain, Israel and Taiwan have introduced laws banning their citizens from participating in organ tourism, and the Canadian Senate and Parliament have also just approved similar legislation, which is undergoing due process before being formally ratified.

6.2) On 27 July 2016, the EU Parliament passed **Written Declaration WD/48**²⁵ calling for the prior 2013 EU resolution to be enacted upon. Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the removal of human organs from living or deceased donors.

6.3) On 13 June 2016, the United States House of Representatives passed **House Resolution 343**²⁶ on forced organ harvesting in China: "*condemns the practice of state-sanctioned forced organ harvesting in the People's Republic of China*" and "*demands an immediate end to the 17-year persecution of the Falun Gong spiritual practice by the Government of the People's Republic of China and the Communist Party of China*"

6.4) On 23 March 2015, 14 countries in Europe, including the UK, signed the **Council of Europe Convention Against Trafficking in Human Organs**²⁷ which states: "*Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the removal of human organs from living or deceased donors*" (Article 4 – Illicit removal of human organs)

²⁰ www.bitterwinter.org/facial-recognition-checks-to-enter-a-church/

²¹ www.csw.org.uk/2018/04/06/report/3902/article.htm

²² www.freedomhouse.org/report/freedom-world/2019/tibet

²³ <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet#bbae7b>

²⁴ <https://www.hongkongfp.com/2018/01/25/chinese-govt-taking-administration-tibetan-buddhist-monastery-larung-gar-ngo-says/>

²⁵ <http://www.europarl.europa.eu/sides/getDoc.do?type=PV&reference=20160912&secondRef=ANN-02&language=EN>

²⁶ <https://www.congress.gov/bill/114th-congress/house-resolution/343/text>

²⁷ <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/216>

6.5) On 12 December 2013, the EU Parliament passed **EU Resolution (2013/2981(RSP))**²⁸ on organ harvesting in China, stating “*deep concern over persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People’s Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, and members of other religious and ethnic minority groups.*”

7) Conclusions and Recommendations

China’s totalitarian approach of exerting absolute control over its citizens often causes widespread criticism and concern while leaving many serious unanswered questions. Many of the linked concerns stem from the climate of religious intolerance that prevails throughout China. This has also been documented as being a key element of the campaigns currently being inflicted on multiple faiths and ethnic groups. These campaigns would, under most analyses, be described as bearing the hallmarks of genocidal intent.

The growing evidence of forced organ extraction in China, and the expert analysis of China’s transplant system is hard to refute or ignore. As, too, is the gravity of the threat of live forced organ extraction faced by prisoners of conscience in China. This is demonstrated by the China Tribunal making the unusual decision to issue an Interim Judgement.

Chair of the Tribunal, Sir Geoffrey Nice QC explained, “We should all, perhaps, reflect on how the oxygen of publicity given to the allegations made and supported to the extent they are by our interim judgment, may allow the real oxygen of life to continue life itself in some who might otherwise be killed. Such a conceivable outcome – slight as a probability, arguably remote but certainly possible – makes it not only appropriate for us to record our present certainty about the PROC’S forced organ harvesting practices but a duty publicly to do so. Doing so now may possibly save innocents from harm.”²⁹

The European Parliament and US Congress have called for an independent investigation, and several countries having already taken legislative action to prevent their citizens from taking part in transplant tourism.

Noting that these actions have been taken in line with international standards and are based on the current and available evidence, we need to consider what appropriate steps the British Government should now be taking, including:

- **Updating the Human Tissue Act of 2004, to prevent UK citizens from knowingly or unknowingly participating in the act of forced live organ extraction**
- **Preventing UK hospitals and universities from collaborating with Chinese hospitals and universities connected to transplant research or procedures**
- **Publicly condemning any form of live forced organ extraction in the highest possible terms and calling for its end**
- **Publicly recognizing and calling for an end to the slow genocide which has been taken place against Falun Gong practitioners in China since 1999**
- **Making a public call for an immediate, intergovernmental investigation to collect further information on China’s organ procurement practices**

²⁸ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P7-RC-2013-0562+0+DOC+XML+V0//EN>

²⁹ <https://chinatribunal.com/interim-judgement/>