

China Denies Charges, as Others See Substance to Lawyers' Claims

BY ALEXANDER COCKBURN AND JEFFREY ST. CLAIR

The Kilgour/Matas report alleging trafficking in the organs of Falun Gong was published on July 6, 2006. The Chinese government, through its embassy in Ottawa, dismissed the report, calling it “groundless and biased” and “based on rumours and false allegations”.

Human rights activist Harry Wu, a former political prisoner in China who now lives in the U.S., has expressed strong doubts about the Kilgour/Matas report's conclusions. Wu, who spent 15 years gathering information about the “harvesting” of organs from convicts executed in China, says he sent two investigators to Shenyang, one of the places where the Kilgour/Matas report said Falun Gong practitioners were being held to provide organs for transplantation. According to Wu, his investigators confirmed that Falun Gong prisoners were being held at the prison there, but could not corroborate the report's claims of illegal organ harvesting.

In August, commenting on the report's allegation that one surgeon (according to his former wife's testimony) had removed about 2,000 corneas from Falun Gong practitioners over a period of two or three years beginning in 2001, Wu told the *South China Post* that organ harvesting on that scale “would be impossible” and that “professional doctors would not do this.”

While crediting Wu's long record as a human rights activist, David Matas responded that he and Kilgour have consulted medical experts who told them that “the process of removing the eyes takes only about 20 minutes”, and that a skilled surgeon could remove 2,000 corneas in as few as 83 working days.

On July 24 during the first World Transplant Congress in Boston Dr. Kirk Allison, director of the Program on Human Rights and Medicine at the University of Minnesota, released a statement supporting the conclusions of the Kilgour/Matas report and calling on his colleagues to end cooperation with China on organ transplants.

Also on July 24 attorney Terri Marsh, director of Human Rights International (HRI) in Washington, D.C., filed information with the U.S. Attorney's office in Boston alleging that two high ranking Chinese physicians, hospital administrators who were

attending the World Transplant Congress at the time, had violated U.S. laws against torture. Marsh alleged that Chen Zhonghua, president of Tongji Hospital Transplantation Research Institute in Wuhan City and Zhu Tongji, the dean of Zhongshan Hospital Organ Transplant Center in Shanghai, were complicit in the illegal harvesting of Falun Gong practitioners' organs and asked that they be detained and prosecuted under the U.S. Torture Criminal Statute and the international convention outlawing torture that was approved and implemented by the U.S. in 1994. On July 26 Marsh presented information alleging that a third Chinese doctor, Shen Zhongyang, director of the Oriental Organ Transplant Center in Tianjin had violated U.S. anti-torture laws.

The three Chinese physicians were cited in these allegations because doctors in the hospitals they oversee had admitted in phone conversations recorded by Kilgour and Matas that the sources of their hospitals' transplanted organs included Falun Gong practitioners. According to an article in the

of minorities, including the Falun Gong. Yet the exigencies of commercial and geopolitical relationships with China have forced the U.S. government to take a position at odds with its public statements.”

Marsh has not heard from James Farmer, the U.S. attorney in Boston with whom her complaints were filed. On October 5 Samantha Martin, press liaison officer for the Boston office of the U.S. attorney, confirmed that information alleging violations of U.S. law by the three Chinese physicians were received in July, but was unable to comment on whether an investigation is being conducted or whether any action will be taken as a result of Marsh's allegations.

A month before the Kilgour-Matas report was released, Edward McMillan-Scott, vice president of the European Parliament wrote in the *Yorkshire Post* what he had heard from Falun Gong practitioners on secret atrocities of the Chinese regime: “Nearly 400 hospitals in China share the booming trade in transplants, with websites advertising new kidneys for \$60,000. Administrators tell inquirers: “Yes, it will be a Falun Gong, so it will be clean.” The two practitioners with whom he spoke went missing after they met with him.

On August 3, in an editorial commenting on a story it carried on that date by reporter

“It will be a Falun Gong, so it will be clean.”

August 7 edition of *Legal Times*, Marsh's allegations against the three Chinese physicians are among “more than a dozen similar actions against high level Chinese officials” which she and her HRI law partner Morton Sklar have filed in courts across the U.S. in an effort to assert the “universal jurisdiction” provision, which allows human rights violators anywhere in the world to be prosecuted in U.S. courts.

The *Legal Times* article observes that the U.S. government displays what it called a “precarious if not contradictory position... when it comes to diplomacy with China”. In July, the article says, “the U.S. Justice Department filed a ‘statement of interest’ in the U.S. District Court for the District of Columbia asking judge Richard Leon to drop a case against Bo Xilai, China's Minister of Commerce, who was sued in the D.C. court for his part in allegations of “systematic human rights abuses against the Falun Gong.”

“On the one hand”, the article notes, the State Department's annual human rights reports routinely condemn China's treatment

Gregory M. Lamb, the *Christian Science Monitor* said that Kilgour and Matas “have put their own considerable reputations on the line to stand behind their report”, and characterized the report's evidence as “circumstantial but persuasive”. The editorial concluded by suggesting that “to gain the credibility it seeks for (hosting the Olympics) in 2008, China should provide transparent evidence to prove to the world that such outrageous practices are not being conducted”.

On August 14 the U.S. National Kidney Foundation (NKF) released a statement in response to the Kilgour-Matas report noting that “if these allegations prove true, they represent a systematic and widespread violation of human rights against thousands, or potentially tens of thousands, of innocent persons”. The NKF warned against the dangers of what it called “transplant tourism” and reiterated its opposition to “any system of reimbursement for deceased or living donations, which may create an additional financial incentive for abuses in donation and transplantation.” CP

Once all of the victims' salable parts have been removed, the pillaged corpses are incinerated in hospital boiler rooms to eliminate physical evidence of the operations.

(Falun Gong continued from page 2)

serviceable. Consequently, according to sources cited in the Kilgour-Matas report, they are highly prized and are specifically requested by some transplant seekers. The report includes quotes from phone interviews, in which doctors reassure the interviewers (who were posing as potential customers) that the organs they transplant are from living donors who are healthy because they practice Falun Gong.

The report mentions that many of those who are arrested for their ties to the Falun Gong movement refuse to identify themselves to the authorities because they fear that their family members and friends may be targeted by the government's inquisition. Kilgour and Matas point out that this self-imposed anonymity may make these prisoners more likely to be tortured or executed — or selected as potential organ “donors”.

Among the key evidence supporting the Kilgour/Matas report's conclusions are statistics from the China Medical Organ Transplant Association and China's National Pharmacy Net. These figures show that starting in the year 2000, when persecution of the Falun Gong on a very large scale began, the number of transplant operations performed in China increased enormously, from a total of about 18,500 in the six year period, from 1994 through 1999, to a total of about 60,000 from 2000 through 2005.

Using figures from Amnesty International, Kilgour and Matas show that less than a third of the 60,000 organs transplanted from 2000 through 2005 can be accounted as having come from executed convicts, on whom the government does keep and publish statistics. Executed convicts are the only known and readily identifiable source of transplant organs in China, where voluntary family organ donations are very rare, providing at most one per cent of all transplanted organs. Thus, the sources of more than 40,000 of the 60,000 organs transplanted in China from 2000 through 2005 — the years of the most intense persecution of the Falun Gong — are unknown and, Kilgour and Matas point out, cannot be accounted for by published statistics.

The report also notes that “Hospital web sites in China advertise short waiting times for organ transplants” and that “waiting times for organ transplants... in China appear to be much lower than anywhere else.” They quote a recent advertisement (now archived on the web) from the China International Transplantation Assistant Centre (sic) website, which boasts that “It may take only one week to find out the suitable (kidney) donor, the maximum time being one month,” along with the website's additional claim that “If something wrong with the donor's organ happens, the patient will have the option to be offered another organ donor and have the operation again in one week.”

Similarly, in April 2006 the Oriental Organ Transplant Centre's website advertised that for liver transplant patients “the average waiting time is two weeks,” and the website of Changzheng Hospital in Shanghai claimed that its “average waiting time for a liver supply is one week among all the patients. “ (These quotes have been deleted from the websites where they formerly appeared, but the Kilgour-Matas report cites where the archived original versions can be found.)

In most parts of the U.S.A. and Canada, waiting times for organ transplants range from several months to two years or longer. Kilgour and Matas point out that “the median waiting time for a kidney in Canada was 32.5 months in 2003, and in British Columbia it was even longer at 52.5 months”, and that “if as indicated (in the Canadian Organ Replacement Register) the survival period for a kidney is between 24 (and) 48 hours and a liver about 12 hours, the presence of a large bank of living kidney-liver ‘donors’ must be the only way China's transplant centers can assure such short waits to customers. The astonishingly short waiting times advertised for perfectly matched organs would suggest the existence of both a computer matching system for transplants and a large bank of live prospective ‘donors’. The advertisements do not identify Falun Gong practitioners as the source of these organs. But there are no other identified sources.”

Based on these circumstances, Kilgour and Matas observe that “even if the Falun Gong as the (source) of these organs is only an allegation, it is the only allegation we have. No other large body of people... have been identified to us as sources of organs sufficient in numbers to meet the large number of transplant demands now being made and met in China.”

Other evidence, much of it found in the report's appendices, is quoted from Falun Gong publications, media sources, and reports from various human rights organizations. The appendices include numerous graphic personal and eyewitness descriptions of the tortures inflicted on Falun Gong prisoners. Described by Falun Gong survivors and former prisoners in China, the U.S., Canada, and France, the torture methods used against the Falun Gong include techniques such as depriving prisoners of clothing and sleep and subjecting them to cold temperatures, aggressive and violent interrogations, repeated beatings often inflicting acute and agonizing injuries, cutting and piercing of sensitive body

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parts including sexual organs, hanging prisoners for long periods by their arms or legs, stress positions, gang rapes, injections of experimental drugs and chemicals that cause excruciating pain, and other assaults on and violations of Falun Gong prisoners.

As long ago as August 5, 2001, the *Washington Post* foreign news service published an article by John Pomfret and Phillip P. Pan that appeared under the headline “Torture is Breaking Falun Gong: China Systematically Eradicating Group.” Since then scores of published reports have chronicled the Falun Gong persecutions, and western governments, including that of the U.S., have chronicled the excesses of cruelty that characterize China’s criminal suppression of an innocent spiritual movement.

But to date there has been no effective response from the United Nations or from any group of governments. Aside from the often heroic efforts of some human rights groups, nothing effective has been done to focus attention on a campaign of terror.

On September 14, 2006, David Kilgour and David Matas followed up Kilgour’s presentation to the National Press Club in Washington with a press conference in the rotunda of the U.S. capital. The following week, Kilgour and other defenders of the Falun Gong addressed an international human rights meeting at the European headquarters of the United Nations in Geneva. But western media coverage remains low-key, occasional,

and almost entirely relegated to the back pages of “mainstream” newspapers. The China bureaus of western television and radio networks broadcast plenty of news from China, but any effort to report on the persecution of the Falun Gong produces indignation, threats, and severe harassment from China’s government and its ruling party. Canada’s national radio network, CBC, recently upgraded its Beijing bureau and posted one of its top political reporters, Anthony Germaine,

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to head that bureau. But in more than six months of regular reporting from China, Germaine has not mentioned the Falun Gong or the Beijing government’s effort to “eradicate” it. If Germaine or any other reporter tried to report on this subject, he and the CBC would probably be expelled from China.

America’s trade deficit with China reached \$68 billion in July and shows no sign of easing. Wal-Mart, Home Depot and thousands of other mass marketers,

corporations and businesses in both the U.S. and Canada are heavily dependent on trade with China. And as Google’s recent capitulation to China’s insistence that it exclude all mention of the Falun Gong from its “service” to computer users in the People’s Republic demonstrates, western reporting about the persecution of the Falun Gong and other human rights issues can be very significantly affected – in this case eliminated – by economic pressures and government threats to restrict the activities of information providers if they refuse to comply with orders specifying what they may and may not report about.

The Kilgour/Matas report ends with a list of reasonable recommendations as to how governments and the international community should be responding to the trade in human organs obtained by the slaughter of prisoners that is going on in China. Will the United Nations or any western government conduct a serious inquiry into this infernal industry that is tolerated and to a significant extent operated by the Chinese government? Will western countries even consider the simple step of prohibiting their nationals from traveling to China to take advantage of that country’s abundant supply of organs extracted from living prisoners? CP

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