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China's Illegal Organ Trade: From Executed Prisoners to Organ Tourism to Falun Gong

ADRIENNE THOMPSON*

As worldwide populations continue to rise, the constant necessity for life-saving organs for terminally and chronically ill patients has become extremely vital and profitable to medical centers across the globe. Since China's preliminary debut in the international organ donation and transplantation system in the late 1960s, various scholars, journalists, and health professionals across the globe have demonstrated outright shock at the massive influx and seemingly endless supply of transferable organs emanating from Chinese transplant centers and hospitals. Investigations have shown that China has been actively harvesting organs from recently executed prisoners and incarcerated Falun Gong practitioners. Regardless of numerous outside efforts to cease the practice of harvesting organs from nonconsenting human subjects, China has continued to defy foreign health regulations and codes outlining ethical transplantation methods and has prevailed as one of the leading organ supply centers of the twenty-first century.

Since China's preliminary debut in the international organ donation and transplantation system in the late 1960s, various scholars, journalists, and health professionals across the globe have demonstrated outright shock at the massive influx and seemingly endless supply of transferrable organs emanating from Chinese transplant centers and hospitals. According to Damon Noto, spokesman of the Doctors Against Forced Organ Harvesting (DAFOH), "Chinese transplant centers went from 150 in 1999 to over 600 by early 2000 and... the number of transplants performed each year went from several hundred in 1999 to well over 10,000 a year by 2008."¹ In 2011, however, the Beijing Red Cross stated that, over the past 20 years, only about 40 people across China had registered to become organ donors.² How, then, were thousands of patients traveling to China for life-saving organs over the past several decades – and into the present – able to practically step into surgery the minute they reached China as opposed to patients in Europe waiting anywhere between 300 days to nearly 7 years when there are 18 million registered organ donors in the United Kingdom alone?³

Tasked with finding the source of China's limitless organ bank, global investigators, such as David Matas, the senior legal counsel of B'nai Brith Canada, and David Kilgour, a human rights activist and a senior fellow to the Raoul Wallenberg Centre for Human Rights, discovered that China was actively harvesting organs from recently executed prisoners. Furthermore, speculations arose regarding China's Communist Party persecuting, murdering, and forcefully extracting organs from Falun Gong practitioners who once outnumbered the entire membership of the Chinese Communist Party and, despite their peaceful and philosophical platform, proved to be a potential threat to China's former General Secretary of the Communist Party, Jiang Zemin, who coincidentally declared war on the organization in 1999 around the same time that Chinese

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¹*Organ Harvesting of Religious and Political Dissidents by the Chinese Communist Party: Joint Hearing Before the Subcommittee on Oversight and Investigations and the Subcommittee on Africa, Global Health, and Human Rights of the Committee on Foreign Affairs House of Representatives; 112th Congress* (Washington, DC: Washington, DC: U.S. Government Printing Office, 2012), 27.

²Ibid.

³Ibid.

transplant centers and transplantations themselves began to rise. Regardless of numerous outside efforts to cease the practice of harvesting organs from both executed prisoners and Falun Gong members, China has continued to defy foreign health regulations and codes outlining ethical transplantation methods and has prevailed as one of the leading organ supply centers of the twenty-first century.⁴

Autografted skin transplantations used to reconstruct superficial injuries and disfigurements were the first credible examples of organ transplantation and were reported to have been performed first by Indian physician Sushruta, the proclaimed “Father of Surgery,” around the turn of the millennia.⁵ Although many pre-twentieth century doctors and surgeons had experimented by transferring organs between animals, the most concrete advancements in human organ transplantation were launched by French surgeon and biologist Alexis Carrel who, throughout the early 1900s, explored and perfected various techniques in transferring solid organs and preserving ex-vivo, or external, organs for prospective usage.⁶ His extensive medical research in organ transplantation as well as vascular anastomoses, or the surgical cross-connection of blood vessels, earned him the Nobel Prize in Medicine in 1912.⁷ Official surgical transplantation of human organs from both deceased and living donors to sick and dying patients began in earnest after World War II.⁸ The first successful solid organ transplantation was achieved in December of 1954 by Dr. Joseph E. Murray and his colleagues at the Peter Bent Brigham Hospital in Boston, Massachusetts.⁹ Potential organ rejection, in which the organ recipient’s immune system attempts to eliminate the donor organ, continued to limit the capacity of large-scale transplants until the 1980s.¹⁰ For the past several decades and until the present, thousands of patients across the globe have awaited available organs from either living or deceased donors; because organs are currently in such high demand, it is estimated that nearly 114,000 people in the United States alone are presently on the waiting list for an organ transplantation and, because of this monumental number and the ever-growing wait times for each individual patient, an average of 20 people die each day from the lack of available organs.¹¹

On par with the medical trends of the mid-twentieth century, China began conducting its own research and clinical experiments in human organ transplantation in the 1960s, which have since been “extraordinarily developed and expanded during the past decades due to the unmet demand from hundreds of thousands of patients with end-stage organ diseases.”¹² Because of this boundless demand and the potential monetary benefits, China decidedly passed the “Provisions on the Use of Dead Bodies or Organs from Condemned Criminals” in October of 1984, which allowed for Chinese officials to harvest organs belonging to executed prisoners and more specifically from:

- 1). The uncollected dead bodies or the ones that the family members refuse to collect;

⁴Ibid., 1-2.

⁵Vibha Singh, “Sushruta: The Father of Surgery,” *National Journal of Maxillofacial Surgery* 8, no. 1 (Jan. – Jun. 2017): 1-3.

⁶Christopher J. Dente and David V. Feliciano, “Alexis Carrel (1873-1944): Nobel Laureate, 1912,” *JAMA Surgery* 140, no. 6 (June 2005): 609-610.

⁷Ibid.

⁸“Human Organ Transplantation: A Report on Developments Under the Auspices of WHO (1987-1991),” World Health Organization, 1991, 7.

⁹H. S. Adenwalla and S. Bhattacharya, “Dr. Joseph E. Murray,” *Indian Journal of Plastic Surgery* 45, no. 3 (Sep. – Dec. 2012): 596-597.

¹⁰Yanhong Guo, “The ‘Chinese Mode’ of Organ Donation and Transplantation: Moving Toward the Center Stage of the World,” *Hepatobiliary Surgery and Nutrition* 7 no. 1 (Feb. 2018): 61-62.

¹¹American Transplant Foundation.

¹²Guo, “The ‘Chinese Mode,’” 61-62.

- 2). Those condemned criminals who volunteer to give their dead bodies or organs to medical institutions;
- 3). Upon [sic] approval of the family members.¹³

Additionally, all operations concerning the removal of organs from executed prisoners were to be kept “strictly confidential,” and “[t]he execution ground should be guarded. . . before the operation is completed.”¹⁴ While extreme precautions were undertaken to camouflage China’s highly unethical response to the capital punishment of its prisoners, this system allowed for China to gradually become more involved in the global network known as organ tourism, or the overseas transit of patients seeking organs in countries where they may be more readily available than in their own home countries.

By utilizing organs from executed prisoners, organ tourism became an extremely profitable business for Chinese hospitals; a vast majority of medical centers in China reported that their main sources of revenue came solely from their adjourning transplant units.¹⁵ According to the China International Transplantation Network Assistance Centre website, organs were advertised to patients by their monetary value: \$30,000 for a single cornea, \$30,000 to \$62,000 for a kidney, \$98,000 to \$130,000 for a liver, \$130,000 to \$160,000 for a heart, \$150,000 for a pancreas, and \$150,000 to \$170,000 for a lung.¹⁶ Their original prices have been maintained and upheld far into the twenty-first century. In 2001, a group of seven foreign patients who traveled to China together for unspecified transplants were each asked to bring around \$26,000 for their surgeries.¹⁷ Another patient disclosed that they paid \$27,000 for their kidney transplant at the Economic and Technical Development Hospital in Guangzhou in 2004; the following year, a patient from Taiwan paid an increased amount of \$29,000 at the Guangdong Province Border Patrol Armed Police Central Hospital in Shenzhen for the same procedure.¹⁸ China’s Deputy Minister of Health, Huang Jiefu, even admitted that “[o]rgan transplantation has the tendency to become a tool for hospitals to make money,” meaning that profit was and still is more critical to Chinese medical centers than ethical medical care.¹⁹

Despite China’s growing position as an organ epicenter for foreign patients, Chinese health officials continued to harvest organs from prisoners in extreme secrecy, which eventually piqued the attention of global ethical and medical organizations. In response to China’s “Provisions on the Use of Dead Bodies or Organs from Condemned Criminals,” the World Medical Association (WMA) publicly condemned the practice at Brussels in 1985, at Madrid in 1987, and later at Stockholm in 1994.²⁰ The WMA voiced its concerns particularly toward the commercial exploitation of human organs and the participation of doctors in a practice where consent may not be absolutely discernible.²¹ Not only is consent a major issue concerning prisoners, or potential

¹³“On the Use of Dead Bodies or Organs from Condemned Criminals,” Provisional Regulations of the Supreme People’s Court, The Supreme People’s Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health and Ministry of Civil Affairs, October 9, 1984, in *Organs for Sale: China’s Growing Trade and Ultimate Violation of Prisoner’s Rights: Hearing Before the Subcommittee on International Operations and Human Rights of the Committee on International Relations House of Representatives; 107th Congress* (Washington, DC: U.S. Government Printing Office, 2001), 51.

¹⁴*Ibid.*, 52.

¹⁵*Organ Harvesting*, 27.

¹⁶*Ibid.*, 31.

¹⁷“The Killing of Prisoners of Conscience for Organs in China,” China Organ Harvest Research Center, 38.

¹⁸*Ibid.*

¹⁹“Difficulties in Organ Transplant Legislation,” *Sanlian Life Week*, April 17, 2006.

²⁰Harold Hillman, “Harvesting Organs from Recently Executed Prisoners: Practice Must be Stopped,” *British Medical Journal* 323, no. 7323 (Nov. 2001): 1254.

²¹*Ibid.*

organ donors, on death row in China, who may or may not be mentally suitable to authorize formal compliance before their executions, but some capital offenses in China are extremely strict and therefore tend to allocate more prisoners to potential execution than most other countries. According to research compiled by the Cornell Law School, China has executed anywhere from 2,400 to approximately 6,500 prisoners per year over the past twelve years alone; moreover, even recorded executions are probably only “a fraction of those that are carried out.”²²

From May 4th to 15th in 1987, the Fortieth World Health Assembly held in Geneva, Switzerland, adopted Resolution WHA40.13, known as the “Guiding Principles on Human Organ Transplantation,” which called for measures to be taken by “some Member States to regulate human organ transplants and. . . develop a unified legal instrument to regulate these operations.”²³ These guidelines were intended to “provide an orderly, ethical, and acceptable framework for regulating the acquisition and transplantation of human organs for therapeutic purposes,” and were undeniably aimed at China with its recent passing of the “Provisions on the Use of Dead Bodies or Organs from Condemned Criminals.”²⁴ In these guidelines were nine particular principles the World Health Organization (WHO) believed would more properly regulate China’s position on organ harvesting: consent, financial consideration, and overall ethical practice being some of the most prevailing matters regarding organ donation and transplantation.²⁵ Although the “Guiding Principles on Human Organ Transplantation” were eventually endorsed in 1991, there were still no concrete international laws to mandate authority in criminalizing the Chinese law regarding the human organ trade, because the WHO used “discretionary” language in its resolution that subsequently failed to “establish a process for investigation and discipline.”²⁶

Without direct foreign intervention, China continued harvesting organs from its executed prisoners at an ever-increasing rate. Eventually, the United States Senate Committee on Foreign Relations convened a hearing in May of 1995 concerning the expanding trade of human body parts, or organs, in China.²⁷ With ghastly evidence from both Harry Wu, a Chinese American human rights activist who spent nearly twenty years as a prisoner in one of China’s labor camps and currently serves as the executive director of the Laogai Research Foundation in Washington, DC, as well as the British Broadcasting Corporation (BBC), the United States Senate illuminated the internal and interconnected operations of Chinese correctional facilities and transplant units and firmly demanded an immediate end to the entire operation.²⁸

From his own personal observations, Wu began his testimony by specifying that “[t]he Chinese Government policy states that under the absolute control of the government, organs of death row prisoners for sole use in transplant surgeries are to be collected on a large scale and in an organized, systematic, premeditated fashion.”²⁹ Therefore, Chinese operations in organ harvesting were primarily concerned with acquiring massive quantities of organs to be immediately sold in the commercial sphere rather than appropriately and ethically contributing necessary and life-saving instruments to patients across the globe. Furthermore, even though the 1989 “Provisions on the Use of Dead Bodies or Organs from Condemned Criminals” outlines consent as a major contributor in discerning which executed prisoners can be used as organ donors, Wu explains that

²²Death Penalty Database, Cornell Law School, Apr. 10, 2014.

²³“Human Organ Transplantation,” 5.

²⁴*Ibid.*, 7.

²⁵See Appendix A.

²⁶Bellagio Task Force, “Report on Transplantation, Bodily Integrity, and the International Traffic in Organs in Transplantation Proceedings,” International Committee of the Red Cross, January 1, 1997.

²⁷*China: Illegal Trade in Human Body Parts; Hearing Before the Committee on Foreign Relations United States Senate; 104th Congress*, Washington, DC: U.S. Government Printing Office, 1995.

²⁸*Ibid.*

²⁹*Ibid.*, 4.

“many family members of the executed prisoners dare not, would not, or are unable to claim their loved one’s bodies,” and are thus immediately and unavoidably claimed as government property upon execution. Additionally, “the Chinese government has yet to exhibit any form by which the death row prisoners or their family members give signed consent to donate organs, nor has it been explained under what conditions they may give such consent.”³⁰

Not only did Wu provide credibility behind the consensual issues surrounding organ transplantation from executed prisoners in China, but he also thoroughly outlined the heinous practice Chinese health and criminal officials had attempted to shield from foreign eyes. Aside from his own personal experiences, Wu conducted various interviews with figures previously involved in China’s organ transplantation program and discovered outrageously unethical results. Wu explained:

[W]hen I was in Germany in 1992, I happened to make the acquaintance of a surgeon who graduated from the Huaxi University of Medical Sciences in Chengdu. He told me that one night around midnight, on orders of the party committee of the hospital, he and other surgeons were driven to an anonymous prison, where they removed two kidneys from a living prisoner. The removed kidneys were then transported by an air force helicopter to the hospital and immediately transplanted into the body of a waiting patient. . . . The kidney-less prisoner was executed the following morning.³¹

Wu revisited China in 1994 with the BBC to interview other high-ranking members, including doctors, nurses, and law officers, directly involved in the harvesting of organs from executed prisoners. Unfortunately, the majority of Wu’s interviewees were uncooperative and denied any misconduct or violation in their transplantation practices or subsequent commercial endeavors. In response to Wu’s claims and the largely adversarial nature of those he interviewed, the attendees of the congressional hearing in 1995 gave a list of five crucial recommendations for the United States Committee on Foreign Relations:

- 1). Condemn the practice of using organs taken from the bodies of executed prisoners.
- 2). Call on the Chinese government to put an immediate end to the practice of harvesting organs from the bodies of executed prisoners and to replace this source of organs with a truly voluntary system of living-donor and cadaveric organ donation in accordance with World Health Organization guidelines.
- 3). Call on the Chinese government to review the practice of the death penalty with a view to correcting the gross inadequacy of judicial safeguards against human rights abuses, and with a view to the curtailment of the use of the death penalty.
- 4). Call on Chinese health professionals to refuse to participate in the unethical retrieval of organs from executed prisoners or the use of such organs, whatever the stage of the process in which they are involved.
- 5). Call on the Chinese Medical Association to adopt a policy against the retrieval of organs from executed prisoners or the use of such organs, in conformity with the consensus of the international medical community.³²

³⁰Ibid.

³¹Ibid., 5-6.

³²Ibid., 41.

In 1998, Delon Humann, the secretary of the WMA; Anders Milton, chairman of the WMA; and Dr. T. J. Moon of the Korean Medical Association reached an agreement with the Chinese Medical Association that the practice of harvesting organs from executed prisoners was “undesirable” and would be jointly investigated with an eventual discontinuance of the entire operation.³³

In July of 1999, however, the former General Secretary of the Communist Party of China, Jiang Zemin, declared war on the entire Falun Gong organization after nearly ten thousand members “surrounded the high walls of the Communist leadership compound in Peking in a peaceful vigil to demand recognition as a legitimate organization,” which had been the largest demonstration in Peking since the infamous pro-democracy protests in Tiananmen Square in 1989.³⁴ The Chinese government formally prohibited members from continuing their practice of Falun Gong and distributed circulars with several restrictions:

No one may hand or post in any place streamers, pictures, insignias, or other signs that advertise Falun Dafa (Falun Gong).

No one may distribute in any place magazines, books, audio and video products and any other propaganda materials that advertise Falun Dafa (Falun Gong).

No one may assemble in any place people for promoting Falun Dafa (Falun Gong) activities, such as “synthesizing energy” or “fostering the Falun law.”

Activities such as assemblies, parades and demonstrations held in the form of sitting in and submitting petitions, for the purpose of protecting and advertising Falun Dafa (Falun Gong).

All forms of activities inciting the public to disturb social order through fabricating and distorting facts or spreading rumors deliberately are prohibited.³⁵

No one may organize, link up and command activities contesting relevant government decisions.

Falun Gong members who refused to adhere to the Chinese government’s demands or continued to defy ideals held by the Chinese Communist Party were “swept up” in “hordes” by Chinese police officers and arrested.³⁶ The following year, organs originating from Chinese transplant centers skyrocketed to unbelievable proportions, and the Chinese Medical Association subsequently withdrew from its partnership and conjoined investigation with the WMA and the Korean Medical Association.³⁷

Following the persecution of Falun Gong, additional testimony concerning the harvesting of organs from Chinese prisoners on death row surfaced through former Chinese Army doctor and political asylum-seeker, Wang Guoqi, in June of 2001. Guoqi explained to the United States House Committee on International Relations that, between 1989 and 1995, he had assisted in removing the skin and corneas from more than one hundred executed prisoners and only withdrew from the practice after 1995 when he witnessed “doctors remove the kidneys from a man who was still breathing.”³⁸ Guoqi also asserted that, while most of the profit from prisoners’ organs went

³³Hillman, “Harvesting Organs,” 1254.

³⁴Lorien Holland, “China Bans Sect of 100 Million Over Suspected Political Agenda,” *London Independent*, July 23, 1999, 11.

³⁵Ibid.

³⁶Ibid.

³⁷Hillman, “Harvesting Organs,” 1254.

³⁸Craig S. Smith, “Doctor Says He Took Transplant Organs from Executed Chinese Prisoners,” *New York Times*, June 29, 2001.

straight to army hospitals, court officials in China were also paid around \$40 for every prisoner that he and his colleagues were allowed to strip of organs.³⁹ A spokeswoman of China's Foreign Ministry, Zhang Qiyue, responded to Guoqi's allegations by declaring them as "sensational lies" and "a vicious slander" against China.⁴⁰ Qiyue upheld that the majority of China's human organs came from "voluntary donations from Chinese citizens," even though voluntary organ donation in China was, and still is, extremely rare and could in no way account for the sheer amount of organs being distributed from Chinese transplant hospitals.⁴¹

Despite an increasing number of criminalizing allegations and first-hand testimonies, Chinese officials continued to deny China's participation in the practice of removing organs from both condemned criminals and Falun Gong members for several years. In December of 2005, Deputy Health Minister Huang Jiefu professed that China needed to "tidy up" its organ transplantation practices and "push for regulations on organ transplants to standardize the management of the supply of organs from executed prisoners."⁴² Jiefu contended that these proposed regulations would help to improve China's image of organ transplants, give death row prisoners greater authority in potentially donating their organs upon execution, and make it more difficult to purchase organs removed from executed prisoners.⁴³

Jiefu failed to acknowledge the ongoing war against Falun Gong, which many global investigators speculated to be linked to China's expanding organ transplantation program. Under the Coalition to Investigate the Persecution of Falun Gong (CIPFG), Canadian attorneys and human rights activists David Matas and David Kilgour launched an investigation in 2006 to determine if China was also forcefully harvesting organs from detained Falun Gong practitioners. Matas and Kilgour interviewed dozens of figures formerly stationed in Chinese transplant hospitals; one of their more preeminent interviewees, a former employee of the Liaoning Thrombosis Treatment Center of Integrated Chinese and Western Medicine using the pseudonym "Annie," claimed to have witnessed organs being removed from Falun Gong members. Annie's unnamed ex-husband was also a surgeon working in the same hospital. In her interview, Annie told Matas and Kilgour:

My ex-husband and I worked at this hospital from 1999 to 2004. . . . He was responsible for removing corneas from Falun Gong practitioners including living Falun Gong practitioners. . . . I can testify to the atrocious crime that this hospital forcibly removed organs, such as livers and corneas, from a large number of living Falun Gong practitioners. Some practitioners were still breathing after their organs were removed, but they were thrown in the hospital's incinerator. . . . So far, no Falun Gong practitioner has come out alive. Of several thousand practitioners there, many had their kidneys, corneas, and even their skin taken, and their bodies were exterminated to destroy the evidence.⁴⁴

Matas, Kilgour, and additional investigators also contacted several hospitals throughout China and posed as patients seeking available organs. A doctor at the Shandong Qianfoshan Liver Transplant Center in Jinan, Shandong, China stated to investigators that the number of Falun Gong "donors" was "gradually increasing," and a receptionist at the Wuhan Tongji Hospital in

³⁹Ibid.

⁴⁰Ibid.

⁴¹Ibid.

⁴²Jane Macartney, "China to 'Tidy Up' Trade in Executed Prisoners' Organs," Coalition to Investigate the Persecution of Falun Gong in China, December 3, 2005.

⁴³Ibid.

⁴⁴Leon Lee, *Human Harvest*, Flying Cloud Productions, 2014; David Kilgour, Ethan Gutmann, and David Matas, "Bloody Harvest/The Slaughter: An Update," June 22, 2016.

Jianghan, Wuhan, Hubei, China stated that acquiring organs from a Falun Gong practitioner was “not a problem.”⁴⁵ On May 22, 2006, investigators (Q) recorded this shocking conversation with Dr. Lu Guoping (A) of the Guangxi Nationalities Hospital in the Guangxi Zhuang Autonomous Region of China:

Q: Is their [the hospital’s] source of organs also from Falun Gong practitioners?

A: Yes, yes, yes.

Q: . . . Where did you get them? Did they come from detention centers or from prisons?

A: From prisons.

Q: Do you think they can find a Falun Gong donor for me?

A: If you go there [the hospital] it shouldn’t be a problem at all. . . . I can tell you, it’s an easy job for them to get organs.⁴⁶

Guoping also guaranteed investigators that the healthiest organs from Falun Gong members would be used to assure “the quality of our operations.”⁴⁷

Matas and Kilgour were also able to interview several Falun Gong practitioners who had miraculously survived detainment in China and escaped further persecution by leaving the country altogether upon their releases from detention. Many of the surviving Falun Gong interviewees claimed to have been “blood tested and organ examined” during their imprisonment.⁴⁸ Cindy Song, a Falun Gong practitioner and labor camp survivor shared her story with investigators:

Several male policemen used force. They dragged me to the room and forced me to undergo a physical examination. A male doctor in his 40s said he wanted to do a blood test on me. I said, “I am healthy, I don’t need a physical examination.” He said viciously, “You don’t want to do it? Okay, I’ll use a large syringe and drain your blood!” Then the policemen dragged me to another room. They held me on a bed and an examination on my organs was conducted, including a chest X-ray and an ultrasound.⁴⁹

Another Falun Gong practitioner and labor camp survivor, Yumei Liu, stated that “When I was in detention, the police said to me, ‘If you don’t give us your name and address, we’ll take your heart and liver out. Nobody would ever be able to find your body.’”⁵⁰ Organ donation recipients and donors themselves must possess the same blood type, except for those with blood type O, who qualify as universal donors, and doctors must ensure that the patient receiving the transplant has no antibodies against any certain proteins that are tested for in the donors. According to Dr. Torsten Trey of the DAFOH, by testing and examining the blood and organs of Falun Gong detainees, doctors were “categorizing living people – categorizing prisoners of conscience – into the blood types and tissue factors to provide a pool of living [organ] donors.”⁵¹

⁴⁵Lee, *Human Harvest*.

⁴⁶Ibid.

⁴⁷Steven J. Jensen, ed., *The Ethics of Organ Transplantation* (Washington, DC: Catholic University of America Press, 2011), 236-237.

⁴⁸Lee, *Human Harvest*.

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹Ibid.

Matas and Kilgour concluded their report, which they entitled “Bloody Harvest,” in July of 2007 with thirty-three overarching pieces of evidence leading them to confirm that China was, in fact, using detained Falun Gong practitioners as organ supplies for their human organ donation program.⁵² The two investigators traveled to over thirty countries where they presented their findings to several government bodies, organizations, and individuals.⁵³ Mao Qunan, a spokesman of the Chinese Ministry of Health, responded to the investigation by stating, “The impact it [the investigation] exerts especially on the overseas public goes beyond the organ transplant issue. It is an intentional attack on China and the Chinese government.”⁵⁴ Matas and Kilgour were also accused by Chinese officials of tampering with the recorded transcripts from their calls to various Chinese hospitals; Dr. Lu Guoping himself denied his comments in one of the transcripts admitting China’s use of organs from Falun Gong practitioners despite being audibly taped.⁵⁵ After China’s continued denial, the US Consul in China proposed an additional investigation on the Chinese Ministry of Foreign Affairs; however, the Ministry of Foreign Affairs was aware of the investigation three weeks prior to its date. According to Matas, “China is very adept at putting on these phony shows for western observers,” so various transplant units were promptly cleaned and swept of any incriminating evidence, leading to the investigation only lasting around five hours.⁵⁶

In response to increased foreign pressures, particularly by the WHO and WMA, for internal organ transplantation procedures, China passed the “Human Organ Transplant Regulations” only two months prior to the release of Matas and Kilgour’s report. The new “regulation” was little more than a lightly updated version of the 1984 “Provisions on the Use of Dead Bodies or Organs from Condemned Criminals.” Instead of condemning the practice of removing organs from executed prisoners altogether, the “Human Organ Transplant Regulation” asserted that Chinese surgeons could only harvest organs from executed prisoners upon their signed and informed consent and also banned human organs from being sold or purchased as a commercial product.⁵⁷ The “Human Organ Transplant Regulation” halted the marketing of human organs through illegal platforms like online black markets but did little to actually alter the practice of harvesting organs from recently executed prisoners and prisoners of conscience.⁵⁸ After Matas and Kilgour’s investigation was published, Chinese officials decidedly chose not to revise the “Human Organ Transplant Regulation” to include Falun Gong practitioners.

The United States House Committee on Foreign Affairs convened on September 12, 2012, to further discuss and potentially impede organ harvesting from prisoners of conscience, including Falun Gong practitioners, in China. Guided primarily by spokesman Damon Noto and with supporting testimony compiled by investigative writer Ethan Gutmann, the US House Committee condemned the Chinese Communist Party (CCP) for its persecution of Falun Gong and outlined several ways in which the United States medical community could raise awareness toward Falun Gong members still detained in Chinese labor camps and prisons. Noto begins the hearing by specifying the violations and offenses conducted by the CCP:

Since the CCP began its crackdown in 1999, and began to call the peaceful practice of the Falun Gong an evil cult, thousands have been killed and their organs ripped

⁵²See Appendix B.

⁵³“Matas and Kilgour Report,” Doctors Against Forced Organ Harvesting.

⁵⁴Lee, *Human Harvest*.

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷General Office of the State Council, “Human Organ Transplant Regulation,” Central People’s Government of the People’s Republic of China, April 6, 2007.

⁵⁸Ibid.

out of their body while they were still warm and transplanted into the bodies of rich Chinese and foreign accomplices. Members of the CCP do this in order to make themselves and their children rich, and because the Falun Gong was and remains a peaceful and indigenous movement which attracts tens of millions of followers in China. The CCP cannot allow any independent group in China to exist which can motivate so many people. Any group the CCP does not control is a threat and must be penetrated, subverted and destroyed.⁵⁹

Like the observations made by Matas and Kilgour, Gutmann interviewed several Falun Gong members who had been previously detained:

[They also were all] given strikingly similar medical exams. The doctor would draw a large volume of blood, then a chest X-ray, then a urine sample, probing of the abdomen, and in most cases, a close examination of the corneas. Did the doctor ask any of them to trace the movement of his light? Did he wiggle his fingers to check their peripheral vision? No. Only the corneas. Nothing involving brain function. The doctors were checking the retail organs and nothing else.⁶⁰

These first-hand accounts are crucial to understanding why so many imprisoned Falun Gong practitioners were medically examined; Chinese doctors and health professionals were systematically screening all detained Falun Gong members in order to match them with sick patients seeking biologically compatible organs.

Although Chinese officials continued to deny any allegations regarding both the forceful removal of organs from Falun Gong practitioners and the ethical issues concerning the use of organs from executed prisoners, the research and investigations conducted by Gutmann, Matas, and Kilgour generated a massive governmental response across the globe. In Queensland, Australia, the Prince Charles and Princess Alexandra Hospitals completely banned the training of Chinese surgeons in December of 2006 after the Chinese government failed to produce written assurances stating that the allegations concerning the practice of harvesting organs from Falun Gong prisoners were false.⁶¹ In 2008, the Declaration of Istanbul was adopted by 150 countries, which urged other nations to pass legislation banning transplant tourism in countries where the source of organs was questionable.⁶² According to Dr. Jacob Lavee, an Associate Professor of Surgery at Tel Aviv University in Israel:

The Health Committee of the Israeli Parliament finally brought to the Israeli Parliament, which is called the Knesset, on March 31, 2008, the [sic] orders were given to all Israeli insurance compan[ies] performed anywhere around the globe where its illegal, and targeting mainly China.⁶³

In 2010, Spain changed its penal code to introduce two new offenses: the crime of organ trafficking and of illegal organ tourism.⁶⁴ The European Parliament unanimously passed a resolution in Strasbourg, France, on December 12, 2013, which again called on China to immediately end the practice of forced organ harvesting from Falun Gong practitioners and other prisoners

⁵⁹*Organ Harvesting*, 1-2.

⁶⁰*Ibid.*, 9.

⁶¹“Hospitals Ban Chinese Surgeon Training,” *Sydney Morning Herald*, December 6, 2006.

⁶²Lee, *Human Harvest*.

⁶³*Ibid.*

⁶⁴*Ibid.*

of conscience.⁶⁵ Kristiina Ojuland, a member of the European Parliament who attended the resolution's meeting, stated "[t]he practice must be ended immediately, and the least the E.U. can do to stop it is to condemn publicly organ transplantation abuses in China, and to inform those European citizens who travel to China for organ transplants."⁶⁶

The globe's perception of China changed drastically due to publicized allegations and governmental resolutions and regulations condemning the process of organ transplantation in China. A massive protest was organized by Falun Gong practitioners and sympathizers from more than thirty countries in Vienna, Austria, on September 19, 2015 to "raise awareness about Falun Gong and the persecution in China."⁶⁷ Protestors performed exercises together, held parades and candlelight vigils, provided information in various languages to those attending, and physically reenacted images of torture and forced organ removals inflicted upon living Falun Gong detainees in China.⁶⁸ The protest had an overwhelmingly positive response; one attendee from the Netherlands told reporters, "I have just read the call of the European Union to stop the persecution and organ harvesting [of Falun Gong practitioners]. I have heard about tortures and abuses of inmates in China. . . . It definitely needs attention from a political perspective."⁶⁹ Similar protests were more recently held in the United Kingdom in April of 2018, where participants rallied and marched through downtown London and Trafalgar Square, and Brazil in May of 2019 at Liberdade Square in St. Paul and the city center of Brasilia.⁷⁰

Popular entertainment platforms and social media users have also taken jabs at China's unethical practices. An episode entitled "Band in China" from the comedic cartoon *South Park* was recently banned from the Chinese streaming service Youku after comments were made by characters in the episode toward forceful organ transplants being performed on prisoners of conscience in China.⁷¹ All posts pertaining to the episode were erased from Baidu's Teiba, which is one of China's largest online discussion boards, and any existing *South Park* forums were also deleted.⁷² Many political cartoonists, such as Peter Nicholson and Jeff Danziger, have also created parodied images condemning Chinese figures involved in organ harvesting. For example, one of Nicholson's illustrations shows a Chinese police officer telling three shackled Falun Gong detainees "In here, you'll soon lose heart," and one of Danziger's animations depicts a similar Chinese police officer telling a colleague to "Go out and arrest a couple of young kidneys. . . ."⁷³ These forms of online and publicized protest have reached a much wider global audience and have thus assisted in spreading awareness toward the atrocities occurring in China far more effectively than traditional means of protest.

Huang Jiefu most recently affirmed at a conference at the Vatican in 2017 that "From January 1st, 2015, organ donation from voluntary civilian organ donors has become the only legitimate source of organ transplantations [in China]."⁷⁴ He stated that Chinese reforms have made "significant progress" by both promoting a legitimate and regulated donor system and

⁶⁵Ibid.

⁶⁶Ibid.

⁶⁷Tang Xiuming, "Vienna: Falun Gong Practitioners Expose the Persecution in China," Minghui.org, October 3, 2015.

⁶⁸Ibid.

⁶⁹Ibid.

⁷⁰"London: Falun Gong Rally and March in Memory of Peaceful Protest 19 Years Ago," Minghui.org, April 26, 2018; "Events in Brazil: Remembering Those Who Have Died During the Persecution of Falun Gong," Minghui.org, May 3, 2019.

⁷¹Nicole Nao, "South Park Episode 'Band in China' is Banned in China," *Epoch Times*, October 10, 2019.

⁷²Ibid.

⁷³Jeff Danziger, "China Still 'Harvesting' Transplant Organs from Executed Prisoners," Tribune Media Services, March 22, 2006; Peter Nicholson, "Falun Gong Organ Harvesting China 550," Nicholson Cartoons, July 29, 2006.

⁷⁴"China Steps Up Crackdown on Organ Trafficking," China Global Television Network, February 7, 2017.

repressing organ trafficking still taking place in China's black markets.⁷⁵ Although the number of transplants taking place in China have decreased gradually over the course of the past two decades, China continued to attract thousands of patients across the globe with its high organ supply. Unfortunately, as of today, there has still been no definite settlement ending the use of organs from executed prisoners of conscience in China. Additionally, although Chinese officials like Jiefu claim that all present organs originating from China come from voluntary civilian donors, thousands of Falun Gong members remain missing and are presumed to still be held in labor camps where they are likely to be used as living human organ banks for Chinese hospitals and transplant centers.

⁷⁵Ibid.

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APPENDIX A

WHO's "Guiding Principles on Human Organ Transplantation" (1991)

GUIDING PRINCIPLE 1

Organs may be removed from the bodies or deceased persons for the purpose of transplantation if:

- (a) Any consents required by law are obtained; and
- (b) There is no reason to believe that the deceased person objected to such removal, in the absence of any formal consent given during the person's lifetime.

GUIDING PRINCIPLE 2

Physicians determining that the death of a potential donor has occurred should not be directly involved in organ removal from the donor and subsequent transplantation procedures, or be responsible for the care of potential recipients of such organs.

GUIDING PRINCIPLE 3

Organs for transplantation should be removed preferably from the bodies of deceased persons. However, adult living persons may donate organs, but in general such donors should be genetically related to the recipients. Exceptions may be made in the case of transplantation of bone marrow and other acceptable regenerative tissues.

An organ may be removed from the body of an adult living donor for the purpose of transplantation if the donor gives free consent. The donor should be free of any undue influence and pressure and sufficiently informed to be able to understand and weight the risks, benefits, and consequences of consent.

GUIDING PRINCIPLE 4

No organ should be removed from the body of a living minor for the purpose of transplantation. Exceptions may be made under national law in the case of regenerative tissues.

GUIDING PRINCIPLE 5

The human body and its parts cannot be the subject of commercial transactions. Accordingly, giving or receiving payment (including any other compensation or reward) for organs should be prohibited.

GUIDING PRINCIPLE 6

Advertising the need for or availability of organs, with a view to offering or seeking payment, should be prohibited.

GUIDING PRINCIPLE 7

It should be prohibited for physicians and other health professionals to engage in organ transplantation procedures if they have reason to believe that the organs concerned have been the subject of commercial transactions.

GUIDING PRINCIPLE 8

It should be prohibited for any person or facility involved in organ transplantation to receive payment that exceeds a justifiable fee for the services rendered.

GUIDING PRINCIPLE 9

In the light of the principles of distributive justice and equity, donated organs should be made available to patients on the basis of medical need and not on the basis of financial or other considerations.

APPENDIX B

Matas and Kilgour Report: Summary of the Thirty-three Pieces of Evidence

General Considerations:

1. China is a systematic human rights violator. The overall pattern of violations makes it harder to dismiss than any one claimed violation.
2. The government of China has reduced substantially financing of the health system. Organ transplants are a major source of funds for this system, replacing the lost government funding.
3. The government of China has given the military the green light to raise money for arms privately. The military is heavily involved in organ transplants to raise money for itself.
4. Corruption in China is a major problem. There is huge money to be made from transplants and a lack of state controls over corruption.

Considerations Specific to Organ Harvesting:

5. Technology has developed to the point where organ harvesting of innocents for their organs has become possible. Developments in transplant surgery in China fall prey to the cruelty, the corruption, [and] the repression which pervades China.
6. China harvests the organs of prisoners sentenced to death without their consent. The Falun Gong constitute a prison population who the Chinese authorities vilify, dehumanize, depersonalize, [and] marginalize even more than executed prisoners sentenced to death for criminal offenses.
7. There is no organize system of organ donations in China. There is a Chinese cultural aversion to organ donation.
8. Waiting times for organ transplants in China are incredibly short, a matter of days. Everywhere else in the world, waiting times are measured in months and years.
9. Hospital websites post self-incriminating information boasting short wait times for all organs for big payments.
10. Donor recipients whom we have interviewed tell us about the secrecy with which transplant surgery is undertaken and the heavy involvement of the military. Information given to patients is kept to a minimum. Transplants are performed in military hospitals and, even in civilian hospitals, by military personnel.
11. There is huge money to be made in China from transplants. Prices charged to foreigners range from \$30,000 U.S. for corneas to \$180,000 U.S. for a liver-kidney combination.
12. There are no Chinese transplant ethics separate from the laws which govern transplants. China does not have a self-governing disciplinary body for transplant professionals.
13. There are huge gaps in foreign transplant ethics. It is rare for foreign transplant ethics to deal specifically with either transplant tourism or contact with Chinese transplant professionals or transplants from executed prisoners.
14. The practice of selling organs in China was legal until July 1st, 2006. Even today, the new law banning the selling of organs is not enforced.
15. Foreign transplant legislation everywhere is territorial. It is not illegal for a foreigner in any country to go to China, benefit from a transplant which would be illegal back home, and then return home.

16. Many states have travel advisories warning their citizens of the perils in travel to one country or another. But no government has posted a travel advisory about organ transplants in China.

17. Organ transplantation surgery relies on anti-rejection drugs. China imports these drugs from the major pharmaceutical companies. No state prohibited export to China of anti-rejection drugs used for organ transplant patients.

18. Some state[s] administered health plans [to] pay for health care abroad in the amount that would be paid if the care were administered in the home country or pay for aftercare of patients who obtain transplants abroad. Where that happens, there is not, in any country, a prohibition of payment where the patient obtains an organ transplant in China.

Considerations Specific to Falun Gong:

19. The Communist Party of China, for no apparent reason other than totalitarian paranoia, sees Falun Gong as an ideological threat to its existence. Yet, objectively, Falun Gong is just a set of exercises with a spiritual component.

20. The threat the Communist Party perceives from the Falun Gong community has led to a policy of persecution. Persecution of the Falun Gong in China is officially decided and decreed.

21. Falun Gong practitioners are victims of extreme vilification. The official Chinese position on Falun Gong is that it is “an evil cult”. Yet, Falun Gong shares none of the characteristics of a cult.

22. Falun Gong practitioners are victims of systematic torture and ill treatment. While the claims of organ harvesting of Falun Gong practitioners have been met with doubt, there is no doubt about this torture.

23. Falun Gong practitioners have been arrested in huge numbers. They are detained without trial or charge until they renounce Falun Gong beliefs.

24. There are thousands of named, identified Falun Gong practitioners who died as a result of torture. If the government of China is willing to kill large number[s] of Falun Gong practitioners through torture, it is not that hard to imagine they would be willing to do the same through organ harvesting.

25. Many practitioners, in attempt[s] to protect their families and communities, have not identified themselves once arrested. These unidentified are a particularly vulnerable population.

26. Falun Gong practitioners in prison are systematically blood tested and physically examined. Yet, because they are also systematically tortured, this testing cannot be motivated by concerns over their health.

27. Traditional sources of transplants – executed prisoners, donors, the brain dead – come nowhere near to explaining the total number of transplants in China. The only other identified source which can explain the skyrocketing transplant numbers is Falun Gong practitioners.

28. The money from organ transplants to be made has led to the creation of dedicated facilities, specializing in organ transplants. The Chinese authorities must have the confidence that there exists into the foreseeable future a ready source of organs from people who are alive now and will be dead tomorrow. Who are these people? A large prison population of Falun Gong practitioners provides an answer.

29. In a few cases, between death and cremation, family members of Falun Gong practitioners were able to see the mutilated corpses of their loved ones. Organs had been removed.

30. We had callers phoning hospitals throughout China posing as family members of persons who needed organ transplants. In a wide variety of locations, those who were called asserted that

Falun Gong practitioners (reputedly healthy because of their exercise regime) were the source of the organs. We have recordings and telephone bills for these calls.

31. We interviewed the ex-wife of a surgeon from Sujiatun who said her husband personally removed the corneas from approximately 2,000 anaesthetized Falun Gong prisoners [at the] Sujiatun Hospital in Shenyang City in northeast China during the two-year period before October, 2003. Her testimony was credible to us.

32. There have been two investigations independent from our own which have addressed the same question we have addressed, whether there is organ harvesting of Falun Gong practitioners in China, one by Kirk Allison of the University of Minnesota [and] another by European Parliament Vice President Edward McMillan-Scott. Both have come to the same conclusion we did. These independent investigations corroborate our own conclusion.

33. The government of China has responded to the first version of our report in an unpersuasive way. Mostly, the responses have been attacks on the Falun Gong. The fact [that] the government of China, with all the resources and information at its disposal, resources and information we do not have, was not able to contradict our report suggests that our conclusions are accurate.