

PREPARED STATEMENT OF DAVID KILGOUR, ESQ., FORMER MEMBER OF
THE CANADIAN HOUSE OF COMMONS, CO-AUTHOR OF THE "REPORT INTO
ALLEGATIONS OF ORGAN HARVESTING OF FALUN GONG PRACTITIONERS
IN CHINA"

Submission to US Congressional Committee, September 29, 2006

Chairman Rohrabacher and honorable members of the committee,

Time is very much of the essence on this issue because, as our report indicates, we believe that innocent men and women continue to be killed across China for their organs as commercial products. Co-author David Matas and I are here because we think you can help focus enough attention on the government of China that it will stop this crime against humanity if for no other reason than it is becoming worried about the success of its Olympic Games in 2008. The Games should provide a good fulcrum for all of us concerned about the seizure of organs and other human rights abuses in China.

I might here mention that a recent meeting of representatives of 16 Amnesty International national chapters there was evidently unanimity that human rights abuses generally are now worsening in China, contrary to what its government promised in its bid for the Olympics. The extraction of executed prisoners' organs for transplants is one of the abuses mentioned in the just-released AI report (In contrast, our report is talking about victims who in most cases never see the inside of a court.).

GAO ZHISHANG

I must also give credit to AI for putting out an emergency bulletin recently about the arrest of China's most courageous lawyer, Gao Zhisheng, who shares a number of qualities with Nelson Mandela and Mahatma Gandhi. Indeed, it was Gao who invited David Matas and me to come to China to investigate the matter of organ seizures from Falun Gong prisoners, although we were not granted visas by the government of China. It is the intention of David Matas and myself to nominate Gao for next year's Nobel Peace Prize.

EU-CHINA SUMMIT

At the recent EU-China summit in Helsinki, I'm assured that the organ harvesting issue was raised directly through the Finnish Foreign Minister Tuomioja meeting bilaterally with China's Foreign Minister Li Zhaoxing. The host government minister encouraged the minister from China to be proactively open about the matter, which was described as attracting much attention in Europe. Zhaoxing was also urged to seek an independent study about the allegations being made about organ harvesting in his country. Recommendation #2 of our report also urges a criminal investigation by Chinese authorities of this indicated crime against humanity.

This is encouraging, of course, but let me combine it with a chilling anecdote I recently heard about the world transplant congress, which took place this summer in Boston and attracted thousands of surgeons and other specialists from around the world. After the speech to delegates from Senator Hilary Clinton, there was a reception. A

medical doctor from Germany and his wife chatted with a surgeon from Tianjin, China, who proudly told them that several hospitals in the Tianjin region are now together doing about 2000 liver transplants yearly (all the hospitals in Germany combined evidently do a total of about 700 per annum). At the end of the friendly conversation, asked who the organ donors are, the surgeon replied to the couple: "'Ask the [Falun Gong] demonstrators outside this hotel.'" Is this not a startling affirmation in support of our report conclusion?

MATAS-KILGOUR REPORT

Permit me to add a little now about the independent study on the allegations which the David Matas and I completed as volunteers earlier this summer.

Matas and I looked at every avenue of proof and disproof available to us. All the evidence pointed in the same direction as our ultimate conclusion: the government of China in its hospitals, detention centres and other agencies in numerous parts of the country has over the past half decade put to death a large but unknown number of Falun Gong prisoners of conscience. Most of the victims were convicted of nothing; they were murdered by medical professionals for their vital organs.

Their organs, including hearts, kidneys, livers and corneas, were virtually simultaneously seized for sale at high prices, often to foreigners. Indeed, we recently learned from a good source that almost 85% of the organs transplanted in the Tianjin hospitals currently are now going to non-residents of China. Many such patients probably hope they are getting an organ from a convicted murderer or rapist, who, being dead, no longer needs it, but they should know that China has 68 offences for which one can be executed, including tax fraud. In reality, it is probable that the organ is coming from a young Falun Gong prisoner, whose crime was to believe in "truth, compassion and forbearance."

Time is short so let me stress only four of the avenues of proof we examined:

1—Inculpatory phone conversations: our callers got through to detention centres and hospitals in various parts of China, posing as family members of patients needing organs. In about 15 locations, those called indicated that they had Falun Gong practitioners available for organ harvesting.

2—The regime in China, for no apparent reason other than paranoia, sees Falun Gong as an ideological threat and since mid-1999 has made every effort to eliminate the entire community, which in the mid-90s numbered about 70 million across China alone. It now exists as a peaceful faith community in China and approximately 70 other countries. The government's sudden demonization of Falun Gong in only one of these lands is all too reminiscent of the ways the regime in power and its cohorts in Kigali treated the Tutsi minority in Rwanda before and during the events there of April-June, 1994.

3—Only Falun Gong prisoners in China are examined medically on a regular basis. They are also tortured, overworked in labour camps and abused in other ways, so the tests

are certainly not done out of concern for their health. More likely, it is for computer matching of their organs to patients seeking transplants in a period when the number of transplants in China is so rapid that it cannot be explained by executed prisoners and sources other than Falun Gong prisoners.

4—The ex-wife of a surgeon in Sujiatin hospital in a remote region of China said that he confessed to her that he removed the corneas from the eyes of approximately 2000 Falun Gong prisoners during the two year period from the end of 2001 to Oct. 2003. For that, he was paid the equivalent of hundreds of thousands of US dollars. Her testimony was credible, but to be cautious we relied on it only when it was independently corroborated.

I should mention here that the ex-wife, who calls herself "Annie," and the Chinese journalist, who uses the name "Peter," who together broke the story on March 9, 2006, are seeking political asylum here in the US. It's no coincidence in my judgement that the July 1 law in China purporting to regulate organ transplants came out quite soon after these two "blew the whistle" and indeed it confirms the existence of major abuses. You members can no doubt assist "Annie" and "Peter" during a period of great anxiety for them.

It is easy to say that this or that element of proof in isolation is not determinative. It is their combination that drove us to the chilling conclusion we reached. This was reinforced by the very limited response of the Chinese government. Almost a month after our report came out; its only rebuttal its contents was to say—correctly—that we had placed two cities in the wrong provinces.

REPORT RECOMMENDATIONS

Our report has 17 different recommendations. Virtually nothing to prevent the harvesting of organs from Falun Gong practitioners is currently been applied. If the government is serious, all of our measures should be enacted with deliberate speed. Our recommendation #1, of course, is that the harvesting practice from Falun Gong prisoners must stop immediately.

Some of the others:

#3—Independent human rights organizations should conduct their own investigations as to whether the allegations are true.

#4—As article 3 of the UN Protocol on Trafficking in Persons prohibits the removal of human organs, the UN Rapporteur on Torture should investigate if the government of China is in violation. If so, a remedy should be sought.

#5—Until the July 1 law on organ transplants in China is demonstrated to be effectively implemented, your own and all other governments should bar entry to doctors

from China for purposes of training in organ transplantation. Those involved in trafficking in the organs of prisoners should be banned permanently.

#6—All governments should strengthen their laws against the crime of trafficking in human organs, including those seized from persons in detention abroad.

#8—Until governments are satisfied that China's new law is effectively implemented, foreign funding agencies, medical associations and health professionals should not participate in any China-sponsored organ transplant meetings or research. Foreign companies should not provide medicines and other goods and services to China.

#11—All detention facilities, including forced labour camps, should be open for international inspection by the International Committee of the Red Cross or other humanitarian organization.

#17—Organ transplants must not be for sale.

A PLEA

You honorable members can together raise the pressure on the government of China, thereby saving innocent lives when the order to stop the killing finally goes out from Beijing. Please find ways to do so soon.

Mr. **ROHRBACHER**. Thank you very much for your testimony but also for the hard work and dedication that the testimony represents, and you can rest assured that, although I am here by myself taking this testimony, this is on the record and this will be used to confront the Government of China with this particular evil. Believe me, I have dedicated myself to making sure that we don't close our eyes to the evil in this world simply because some Americans are making a profit in dealing with that evil.