

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: CHN31249
Country: China
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Keywords: China – CHN31249 – *Report Into Allegations Of Organ Harvesting Of Falun Gong Practitioners In China*

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Background

The applicant is claiming persecution as a Falun Gong practitioner and has presented the report: Matas, David & Kilgour, David 2006, Report Into Allegations Of Organ Harvesting Of Falun Gong Practitioners In China, 6 July
The primary decision maker has provided reasons not to rely on this report

Questions

Can CR comment on the report and whether it has been supported or refuted by other evidence?

RESPONSE

The report (Matas, David & Kilgour, David 2006, *Report Into Allegations Of Organ Harvesting Of Falun Gong Practitioners In China*, 6 July (www.david-kilgour.com/2006/Kilgour-Matas-organ-harvesting-rpt-July6-eng.pdf) (not attached)) was released in July 2006 and received much media attention at the time. The report concluded that:

the government of China and its agencies in numerous parts of the country, in particular hospitals but also detention centres and ‘people’s courts’, since 1999 have put to death a large but unknown number of Falun Gong prisoners of conscience. Their vital organs, including hearts, kidneys, livers and corneas, were virtually simultaneously seized involuntarily for sale at high prices, sometimes to foreigners, who normally face long waits for voluntary donations of such organs in their home countries. (p.41)

The report relies on witnesses who claim to have first hand knowledge of the harvesting of organs from Falun Gong prisoners and on investigations by the authors into the availability of organs in China. Transcripts of telephone calls to Chinese hospitals were used to show that organs from Falun Gong prisoners are used for transplants and that organs are so easily

available that there must be many prisoners awaiting execution to provide fresh organs. The report claims that there are many more transplants taking place than can be accounted for by known executions.

The report followed an earlier Falun Gong report which claimed, in March 2006, that the Chinese government had a “concentration camp” of 6,000 Falun Gong prisoners in Sujiatun in Shenyang city of Liaoning province where the prisoners were being killed for their organs (‘The Secret Sujiatun Concentration Camp’ 2006, Clearwisdom.net website, 8 March <http://www.clearwisdom.net/emh/articles/2006/3/8/70630.html> – Accessed 16 January 2007 – Attachment 1). This report was followed up by others which gave further details and even photographs of this secret facility, which was identified as being also called the National Traditional Chinese Medicine (TCM) Thrombus Treatment Center (for example ‘Witness Continues to Reveal the Horrors of Organ Removal from Live Falun Gong Practitioners Inside the Sujiatun Concentration Camp’ 2006, Clearwisdom.net website, 20 March <http://www.clearwisdom.net/emh/articles/2006/3/20/71010.html> – Accessed 16 January 2007 – Attachment 2)

Evidence

No conclusive evidence has been located to either prove or disprove the allegations made by the report. Both the authors of the report and its opponents note the difficulty of verifying cases of human rights abuses within China, due to government secrecy and obstruction. While there are many reports from other agencies indicating that China has been taking organs from executed prisoners for some time, and, while some find the new report plausible and have called for China to allow investigation of the claims it makes, no major human rights commentator has fully supported its conclusions about the killing and taking of organs from live unwilling Falun Gong prisoners. At the current stage the allegations made by the report remain unproven and unsupported.

The primary decision maker correctly cited statements by both human rights campaigner Harry Wu (of the Laogai Research Foundation and the China Information Centre) and the US Department of State (both of whom are very knowledgeable about the human rights situation in China) which said that visits had been made to some of the sites mentioned in Shenyang City in the March report by the Falun Gong and no evidence was found to support the allegations that Falun Gong prisoners were kept there or that organ harvesting was occurring. (‘Harry Wu challenges Falun Gong organ harvesting claims’ 2006, *South China Morning Post*, 9 August) (Attachment 3); US Department of State 2006, ‘Reports of Concentration Camp in Northeast China’, 14 April, <http://www.state.gov/r/pa/prs/ps/2006/64589.htm> – Attachment 4).

In April 2006 the US Department of State noted that it had inspected the Sujiatun site in Shenyang and found nothing wrong:

Question: What information can you provide regarding a reported concentration camp in China where Falun Gong practitioners were jailed and their organs harvested?

Answer: We are aware of the allegations and have taken these charges seriously. The Department and our Embassy in Beijing, as well as our Consulate General in Shenyang, have actively sought to determine the facts of the matter. Officers and staff from our embassy in Beijing and Consulate in Shenyang have visited the area and the specific site mentioned in these reports on two separate occasions. In these visits the officers were allowed to tour the

entire facility and grounds and found no evidence that the site is being used for any function other than as a normal public hospital.

We have raised these reports with the Chinese government and urged it to investigate these allegations. China's Ministry of Foreign Affairs spokesperson has publicly denied there is any basis for the allegations.

Independent of these specific allegations, we remain concerned over China's repression of Falun Gong practitioners. We are also concerned by reports of organ harvesting. We have raised these concerns both in our annual Human Rights Report and in discussions with the Chinese government, both in Washington and in Beijing.

(US Department of State 2006, 'Reports of Concentration Camp in Northeast China', 14 April, <http://www.state.gov/r/pa/prs/ps/2006/64589.htm> – Attachment 4).

More recently, in September 2006, US Department of State *International Religious Freedom Report 2006 – China* stated:

In April 2006 overseas Falun Gong groups claimed that a hospital in Sujiatun, Shenyang, had been the site of a "concentration camp" and of mass organ harvesting, including from live prisoners. In response to the allegations, the Government opened the facility in question to diplomatic observers and foreign journalists. Observers found nothing inconsistent with the operation of a hospital.

(US Department of State 2006, *International Religious Freedom Report 2006 – China*, 15 September – Attachment 5)

On 18 July 2006, Harry Wu challenged the March report about the Sujiatun Concentration Camp. He stated:

After a careful study of the reports on *Da Ji Yuan* [Epoch times], I found the two witnesses are not reliable and most probably they had fabricated the story. I tried in vain to contact Zhang Erping, the spokesman of Falun Gong. I made called to his cell phone and asked him to call back and have a talk about the issue of Sujiatun, but he never replied to my call.

Meanwhile, I asked the CIC reporters in China to make an investigation on the Sujiatun allegation. Since March 12, the investigators searched around the whole District of Sujiatun. On March 17, they even managed to visit the two military camps located in Sujiatun. On March 27, they secretly visited the Liaoning Provincial Thrombosis Hospital of Integrated Chinese and Western Medicine in Sujiatun. On March 29, they visited the Kangjiashan Prison at the neighborhood of Sujiatun. However, with all these first-hand investigations, they had not found anything that could be an evidence of the Falun Gong allegation of Sujiatun Concentration Camp. During and after their investigation, they sent back photos and written reports to me about their findings respectively on March 15, March 17, March 27, March 29, March 30 and April 4.

(Wu, Harry 2006, My viewpoint of the alleged "Sujiatun Camp" and how it is formed', China Information Center, 18 July <http://www.cicus.org/news/newsdetail.php?id=6491> , Accessed 01 dec 2006 – Attachment 6).

In his statement, which was issued after the Matas/Kilgour report was released, Harry Wu goes on to discuss how he repeatedly asked the Falun Gong organisation for an opportunity to interview the witnesses and discuss the evidence, but was constantly refused. He concluded:

1) According to our investigation in China, the alleged concentration camp that lock up as many as 6000 people does not exist in Sujiatun District;

- 2) over the past two decades, the Chinese government did harvest organs from death row prisoners, but neither in theory or in practice it is impossible to conduct the operation to crop organs alive from as many as 4500 people;
- 3) the report that “the CCP crops organs from the Falun Gong practitioners and exports them to Thailand and other countries’ is totally unreliable.

It should be noticed that neither Harry Wu nor the US Department of State have commented directly on the Matas/Kilgour report, choosing rather to investigate and refute the more concrete claims of the March 2006 reports by the Falun Gong about organ harvesting at the Sujiatun camp.

On 11 August 2006, DFAT issued an assessment of the Matas/Kilgour report:

There are differing views about the credibility of Falun Gong’s allegations of organ harvesting.

The “Report into allegations of organ harvesting of Falun Gong practitioners in China”, which was issued by two Canadians, human rights lawyer David Matas and former Secretary of State for Asia and the Pacific David Kilgour, concluded that Falun Gong’s allegations were credible. The factors they considered included: the perceived threat of the Falun Gong to the Chinese Communist Party (CCP); the CCP’s persecution of Falun Gong practitioners; more transplants in China than identifiable sources; a “witness” to some transplants (an unidentified woman who claims her ex-husband told her he had performed cornea removals from Falun Gong practitioners); and “admissions” from unnamed doctors and officials, who told telephone investigators that organs from Falun Gong practitioners were available for transplants. We note that none of the information in this report is new.

By contrast, US embassy and consular officers who in April 2006 visited Sujiatun, the location most frequently referred to in early Falun Gong media reports, found no evidence that the site was being used for any function other than as a normal public hospital. These officials briefed our Embassy in Beijing directly on the findings of their visit. Harry Wu, a renowned US-based activist on human rights in China, has also pointed out that the “evidence” of Falun Gong organ harvesting is hearsay: “No pictures, no witnesses, no paperwork, no detailed information at all”. Wu is critical of China’s persecution of Falun Gong, and has had first-hand experience of Chinese labour camps, but he questions whether the sort of large-scale, systematic organ harvesting that Falun Gong claims could take place without any actual eye-witnesses coming forward.

Several months ago, UN Special Rapporteur on Torture, Mr Manfred Nowak, undertook to investigate the allegations, and said he would submit his findings to the Chinese Government if he concluded that the allegations were serious and well-founded. To date, Mr Nowak has not submitted any findings to the Chinese Government. Similarly, we note that leading international human rights organisations, such as Human Rights Watch and Amnesty International, appear to be reserving their judgment.

Falun Gong’s organ harvesting claims should not be confused with the practice of harvesting organs from executed prisoners – which has been publicly acknowledged by a Chinese vice-minister of health, and which China is now seeking to address.

(DFAT 2006, ‘DFAT assessment on Falun Gong organ harvesting allegations information’, Email From DFAT China Political and External Section, North Asia Division, 11 August, 2006 – Attachment 7)

At meetings attended by RRT Country Researchers in August 2006, the authors of the report and their supporters (many of whom are connected to the Falun Gong organisation) advised

that they were awaiting endorsement of the report by Amnesty International and perhaps Human Rights Watch. Though neither has yet endorsed the report, they have not dismissed it either.

Amnesty International issued a statement on their New Zealand website in November 2006 which says:

Report on alleged live organ harvesting of Falun Gong practitioners

A report published by independent researchers David Matas and David Kilgour on 6th July 2006, concludes that large numbers of Falun Gong practitioners are victims of 'systematic' organ harvesting, whilst still alive, throughout China.

Amnesty International is continuing to analyse sources of information about the Falun Gong organ harvesting allegations, including the report published by Canadians David Matas and David Kilgour.

Amnesty International is carrying out its own investigation on this issue. These investigations are being hampered by the particular difficulty of collecting reliable evidence in China, including official restrictions on access for international human rights organizations.

Amnesty International has noted the response of the Chinese authorities to the Canadian report, which states among other things that China has 'consistently abided by the relevant guiding principles of the World Health Organization endorsed in 1991, prohibiting the sale of human organs and stipulating that donors' written consent must be obtained beforehand'. Amnesty International considers this statement to be at odds with the facts in view of the widely documented practice of the buying and selling of organs of death penalty prisoners in China.

(Amnesty International 2006, 'Falun Gong Persecution Factsheet', November

<http://www.amnesty.org.nz/web/pages/home.nsf/dd5cab6801f1723585256474005327c8/83fba691f912206bcc2571d3001824ed!OpenDocument> – Accessed 15 January 2007 – Attachment 8).

The only other public statement from Amnesty International is the following from August 2006:

Overseas Falun Gong organizations have documented over 2,000 deaths in custody of Falun Gong practitioners since the crackdown began. It has recently been alleged that a large number of deaths in custody may be the result of enforced 'organ harvesting' from Falun Gong detainees so that their organs can be used for transplants. **Amnesty International is investigating these reports, but is currently unable to independently verify these allegations.**

(Amnesty International 2006, *Urgent Action: China: Fear of torture or ill-treatment/ prisoner of conscience: Bu Dongwei (also known as David Bu), (m)*, AI Index: ASA 17/049/2006, 29 August <http://web.amnesty.org/library/Index/ENGASA170492006?open&of=ENG-2S2> – Attachment 9)

Human Rights Watch do not appear to have commented on the report on their websites. In 1994 they issued a report claiming the bodies of executed prisoners are the source for many, in fact most of the organ transplant operations performed in China (Human Rights Watch 1994, *China: Organ Procurement And Judicial Execution In China*, Vol. 6, No. 9, August – http://www.hrw.org/reports/1994/china1/china_948.htm – not attached).

The Laogai Research Foundation (LRF) also have many reports of organ harvesting from executed prisoners on their website at <http://www.laogai.org/>. (The LRF, founded by Harry Wu, is mainly concerned with documenting the abuse of prisoners within the *Laogai*

(Reform-Through-Labour) system of prisons and labour camps in China. The LRF also investigates and carries reports on other human rights abuses in China and abuses within the Chinese family planning system. It publishes an authoritative *Laogai Handbook*, which is the best known guide to Chinese prisons and labour camps.)

Chinese religion expert, Dr Benjamin Penny, in his July 2006 seminar on the Falun Gong, made five points in relation to the Kilgour/Matas report:

1. As in most areas of Chinese affairs, especially as related to human rights abuses, hard evidence is very difficult to obtain. You could read the Kilgour/Matas report and decide that there simply isn't enough evidence to be sure or that some of the evidence they provide is not credible. You couldn't, any more, however, say the allegations are implausible.
2. It is well-accepted that Chinese people who are executed have their organs taken for transplantation. Since the mid-1980s there have been allegations of political prisoners in China having their organs taken for this purpose.
3. The websites of Chinese transplantation centres themselves have boasted about their vast increase in productivity over the last five years – the numbers they claim to have performed far outstrip the number of Chinese prisoners legally executed.
4. There is lots of money in transplants and lots of desperate people with hard currency. As the recent scandal in the US shows, even in the west the organ harvesting business leaves something to be desired.
5. It is said that many Falun Gong practitioners who were detained refused to give any personal details – name, address, occupation – for fear of implicating their friends, family, and work units. These people effectively became “the disappeared”. No-one would have heard of – or from – them in more than five years. Who would know – apart from the people immediately involved – whether they were killed to order?
(Penny, Dr Benjamin 2006, Refugee Review Tribunal Falun Gong seminar, 14 July pp.24-25 – Attachment 10).

It should be noted that while Dr Penny is an expert on the beliefs of the Falun Gong and a trained academic observer of China, his specialty is not human rights or Chinese politics.

Kirk C. Allison, the Director of the Program in Human Rights and Health at the School of Public Health University of Minnesota, in a testimony before the US Committee on House International Relations Subcommittee on Oversight and Investigations on 29 September 2006 saw the report as compelling and called for the Committee to initiate an independent investigation. (Allison, K. 2006, 'Organ Harvesting And China's Ongoing War On Human Rights', Congressional Testimony by CQ Transcriptions (US Committee on House International Relations Subcommittee on Oversight and Investigations), 29 September – Factiva).

A number of the sources above note that the UN Special Rapporteur on Torture, Mr Manfred Nowak, undertook to investigate the allegations, and said he would submit his findings to the Chinese Government if he concluded that the allegations were serious and well-founded. No record of any such report was found in the sources consulted

List of Sources Consulted

Internet Sources:

Government Information & Reports

United Nations Commission on Human Rights, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reports

<http://www.ohchr.org/english/issues/torture/rapporteur/index.htm>

US Department of State website <http://www.state.gov>

U.S. House of Representatives, Committee on International Relations, Subcommittee on Oversight and Investigations, Hearing transcript *Falun Gong: Organ Harvesting and China's Ongoing War on Human Rights*, 29 September 2006

<http://www.foreignaffairs.house.gov/archives/109/30146.pdf>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Human Rights Watch <http://www.hrw.org/>

Topic Specific

China Information Center <http://www.cicus.org/>

Laogai Research Foundation <http://www.laogai.org/>

Falun Gong news site <http://clearwisdom.net>

Falun Gong site in Europe <http://www.clearharmony.net/>

Search Engines

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. 'The Secret Sujiatun Concentration Camp' 2006, Clearwisdom.net website, 8 March <http://www.clearwisdom.net/emh/articles/2006/3/8/70630.html> – Accessed 16 January 2007
2. 'Witness Continues to Reveal the Horrors of Organ Removal from Live Falun Gong Practitioners Inside the Sujiatun Concentration Camp' 2006, Clearwisdom.net website, 20 March <http://www.clearwisdom.net/emh/articles/2006/3/20/71010.html> – Accessed 16 January 2007
3. 'Harry Wu challenges Falun Gong organ harvesting claims' 2006, *South China Morning Post*, 9 August) (CISNET 'China' CX161819 also on Factiva);
4. US Department of State 2006, 'Reports of Concentration Camp in Northeast China', 14 April, <http://www.state.gov/r/pa/prs/ps/2006/64589.htm> – Accessed 16 January 2007
5. US Department of State 2006, *International Religious Freedom Report 2006 – China*, 15 September
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7. DFAT 2006, 'DFAT assessment on Falun Gong organ harvesting allegations information', Email From DFAT China Political and External Section, North Asia Division, 11 August, 2006 (CISNET 'China' CX159216)
8. Amnesty International 2006, 'Falun Gong Persecution Factsheet', November <http://www.amnesty.org.nz/web/pages/home.nsf/dd5cab6801f1723585256474005327c8/83fba691f912206bcc2571d3001824ed!OpenDocument> – Accessed 15 January 2007
9. Amnesty International 2006, *Urgent Action: China: Fear of torture or ill-treatment/ prisoner of conscience: Bu Dongwei (also known as David Bu), (m)*, AI Index: ASA 17/049/2006, 29 August <http://web.amnesty.org/library/Index/ENGASA170492006?open&of=ENG-2S2>
10. Penny, Dr Benjamin 2006, *Refugee Review Tribunal Falun Gong seminar*, 14 July pp.23-25
11. Allison, K. 2006, 'Organ Harvesting And China's Ongoing War On Human Rights', Congressional Testimony by CQ Transcriptions (US Committee on House International Relations Subcommittee on Oversight and Investigations), 29 September (Factiva).