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FALUN GONG: ORGAN HARVESTING AND CHINA'S ONGOING WAR ON HUMAN RIGHTS

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

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FALUN GONG: ORGAN HARVESTING AND CHINA'S ONGOING WAR ON HUMAN RIGHTS

FRIDAY, SEPTEMBER 29, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 11:05 a.m. in room 2172, Rayburn House Office Building, Hon. Dana Rohrabacher (Chairman of the Subcommittee) presiding.

Mr. ROHRABACHER. There should be a gavel for me somewhere. If not, this hearing of the Subcommittee on Oversight and Investigations is called to order.

This hearing will focus on reports into the allegations—thank you. I have got it right here. I have never had to gavel down Mr. Delahunt in the entire time that we have been partners here.

The hearing today will focus on the *Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China*, a report written by our distinguished witnesses from Canada, the Honorable David Kilgour and Mr. David Matas. We will also be hearing some details from Erping Zhang and Kirk Allison, and we will hear today about the continued persecutions of the Falun Gong in China as well as about these horrific charges of organ harvesting.

The Honorable David Kilgour is a former Canadian Secretary of State for the Asia and Pacific Region, the former Chair of the U.S. Rights and International Development Subcommittee of the Canadian House of Commons, and a longstanding member of Parliament.

David Matas is a prominent refugee and international human rights lawyer in private practice in Winnipeg. He is actively involved in promoting respect for human rights as an author, speaker and participant in several human rights nongovernmental organizations, such as Amnesty International, B'nai Brith Canada, the Canadian Bar Association, the International Association of Jurists and more.

Erping Zhang is the Executive Director of the Association for Asian Research. That is an independent research organization based in New York City, and his research focuses on social change, political economy and human rights in China. And he has been a Falun Gong practitioner himself and a spokesman for that organization to spread the word.

So when we talk about this investigative report that is the centerpiece of our hearing today, the Kilgour-Matas team has interviewed both victims and witnesses, both Falun Gong practitioners

and non-Falun Gong practitioners, and has conducted extensive research for their report.

After assessing 18 elements of evidence that the authors submitted were "verifiable and in most cases incontestable," the report concluded that "there has been and continues today to be a large scale organ seizure from unwilling Falun Gong practitioners."

Well, if widespread killing of Falun Gong practitioners for profit to provide organs for transplants is true, then this is "so shocking that it represents a new form of evil in this world." The Kilgour-Matas report has generated worldwide media attention, but I will suggest this: It deserves more attention here in the United States in the halls of Congress than it has been getting, and that is the purpose of this hearing.

The Chinese Communist Party's fears of this group cannot be underestimated. Interestingly, before Falun Gong practitioners were persecuted, its teachings and practices were supported and even encouraged by the Communist Government, who touted health benefits and other such things and even taught Falun Gong lessons within government buildings. Falun Gong practitioners were from all walks of life and many were senior and mid-level political leaders, party members, People's Liberation Army officers and civil servants. They have spent their lives working for the government and they were not the kind of people who were inclined to rebel against government. Some were very, very proud party members, but they were involved originally in studying these spiritual practices which are based, of course, on Chinese religious traditions. The party rewarded their loyalty by doggedly hunting them down, brutally torturing, imprisoning and killing them, and now it appears that the ultimate horror may be taking place. Falun Gong practitioners may be being killed so that some corrupt official can profit from the sale of their body parts.

The Falun Gong have responded by fearlessly facing the beast, perhaps the same as when the Hungarians faced their beast 50 years ago during the Hungarian uprising, when they faced tanks with bare hands and rocks and bottles.

The Falun Gong even wrote a book on its bloody history and distributed it widely in China. It is entitled, *Nine Commentaries on the Communist Party*, and of course this, too, infuriated the dictators. So this is basically what our hearing will be about today.

And we want to thank our witnesses. Mr. Delahunt, do you have an opening statement?

Mr. DELAHUNT. Yes, thank you, Mr. Chairman, and I am going to extend my apologies to you and to other Members that may be attending, and to this distinguished panel of witnesses, but as you can probably tell better than most, I am speaking very quietly because I have been suffering from this flu that seems to be raging in the Capitol. So I am just going to make several minutes' worth of comments and then leave.

But I am sure you will be joined, by my understanding, by Sheila Jackson Lee.

I share your concerns about the Chinese Government, especially in the area of human rights. Its record in terms of human rights has truly been abysmal, and what has happened to the practitioners of Falun Gong is particularly appalling. My home city,

which is Quincy, Massachusetts, has a very large Asian-American population. There is a large group of Falun Gong practitioners among that specific community. They are extraordinary people. They are warm, they are compassionate, they make extraordinary contributions to my city and to the region. If China really desires to be a world leader, the kind of human rights abuses that its government engages in obviously undermine that effort. It reveals the kind of contempt for the rule of law that leads to corruption and waste, and corruption undercuts all the economic gains China has made in the last several years.

Unless China couples its transition to capitalism with moves to democracy and free expression and a genuine commitment to human rights, it will never ever be able to reach its full potential, and the tragedy is it will be the Chinese people that will pay the price.

I don't know if this is our last hearing, Mr. Chairman, in terms of this term, but if it is, let me say that while we have had our disagreements, you have always been cordial and respectful and, hopefully, if we are back here after the first of the year, whether you and I are serving on the same Subcommittee, our extraordinarily positive personal relationship will continue.

I want to thank every member of the staff on both sides for absolutely spectacular work. The staff on this Subcommittee is as good as it gets. They have made extraordinary contributions and thank you all. And with that, I yield back.

Mr. ROHRABACHER. Of course, he is hoping that he will have the gavel, and we will leave that up to the people who are supposed to make that decision. We hope you feel better. We are sorry that you are going through this.

One note—when I feel miserable because of some illness, I remember people who are also vulnerable to these diseases who are being held in these camps and different places around the world who don't get treatment and have no comfort at all. But we will be thinking about you, making sure you are comforted a little bit there.

All right. Again, I want to thank our witnesses. It is important to get this information on the record. This is officially on the record. And we are now officially notifying the United States Government in this hearing, under oath, of what we have discovered, and that is a step forward, and what we need to do also is make sure the American people hear this. Unfortunately, in our country, a dynamic is at play because there is so much money being made off the China trade right now. You have people, large numbers of Americans, involved with profiting from basically the evil system of tyranny and injustice that keeps the people of China under control and oppressed. And those people don't see it. I mean, every time you talk to American manufacturers who go overseas, they basically are saying, Well, this is how we are going to evolve China into something different. And in reality, I have never met an American businessman who has spent any time trying to work with the local people to convince them that people should have freedom of religion, or freedom of speech, or even protecting his or her own workers at the plants that they are establishing from the type of oppression that we are going to hear about today.

So, with that said, I am very pleased that we are again putting this on the record and reaching out to the American people to try to get their attention.

And we will start then, I guess, with Mr. Matas. And if you could summarize your testimony in 5 to 7 minutes—or Mr. Kilgour. No. We will start with Mr. Kilgour.

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"

Mr. KILGOUR. Well, Mr. Chairman, thank you very much for doing this on the last day of the sitting. Time is going very quickly so I will get right to it.

David Matas and I are here because we think that you can help focus attention on the Government of China, as you have just mentioned, so that it will stop this crime against humanity 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 about the seizure of organs and other human rights issues in China.

I might mention here that at a recent meeting of the representatives of 16 Amnesty International (AI) national chapters, there was evidently unanimity that human rights abuses generally are now worsening in China, contrary to what the government promised in its bid for the Olympic Games.

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 courtroom.

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 myself to investigate the matter of organ seizure of Falun Gong prisoners, although we were not granted visas by China's Government. It is my intention to nominate Gao for the Nobel Peace Prize, and I would hope that the Members of Congress will do that as well.

At the recent European Union (EU)-China summit in Helsinki, I am sure 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 two of our report also urges a criminal investigation by Chinese authorities of this crime against humanity.

This is encouraging, but let me combine it with a chilling anecdote that took place earlier in Boston, which attracted thousands of surgeons and specialists around the world. After a speech to the delegates from Senator Hillary Clinton, there was a reception in

the exhibition hall. A medical doctor from Germany and his wife chatted with a surgeon from Tianjin, China, who proudly told them there were several hospitals in China who were involved in transplantation and his hospital was one of them. In his hospital alone, he said there were about 2,000 liver transplants yearly. All of the hospitals in Germany, by the way, evidently do about 700 operations a year. At the end of a friendly conversation, they asked who the organ donors were. The surgeon replied to the couple, "Ask the Falun Gong demonstrators outside this hotel."

I leave it to your judgment, Mr. Chairman, as to how this conversation contributes to affirm our report.

Let me just talk—I can see the clock running—about the independent study that David Matas and I did as volunteers this summer.

We looked at every avenue of proof and disproof available to us. Eighteen in all. All of the evidence pointed in the same direction as your ultimate conclusion. The Government of China and its hospitals, detention centers, and other agencies in numerous parts of the country have, 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. These organs were virtually simultaneously seized for sale at high prices, often to foreigners. Indeed, we learned recently from a good source that almost 85 percent of the organs transplanted in the Tianjin hospitals currently are now going to nonresidents of China. Many such patients probably hope that they are getting an organ from a convicted murderer or rapist who, being dead, no longer needs it. But these people should know that China has 68 offenses for which one can be executed, including tax fraud. In reality, it is probable that the organ is coming from a young Falun Gong practitioner whose crime was to believe in truth, compassion and forbearance. Time is really short, so let me express a——

Mr. ROHRABACHER. Let me note that we are going to—I am supposed to go to a meeting at 11:30, but I am not going to go to that meeting. So you have your time to address what you would like. Do not cut it short.

Mr. KILGOUR. Our callers called through to detention centers and hospitals in various parts of China posing as family members of patients needing organs. In about 15 locations, those calls indicated they had Falun Gong practitioners available for organ harvesting. Can you imagine?

I might perhaps add in summary form that there were about 70 million practitioners in China alone in the mid-1990s, and I think that is one of the reasons that the government turned on the Falun Gong community.

It now exists as a peaceful faith community in China and approximately 70 other countries. The government's sudden demonization of Falun Gong in the summer of 1999 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.

Only Falun Gong prisoners are examined medically on a regular basis. They are also tortured, overworked in labor camps, and

abused in other ways so that the tests are certainly not done out of concern for their health. More likely, it is for computer matching of their organs for patients seeking transplants, in a period when the number of transplant operations in China is going up so rapidly that it cannot be explained by executed prisoners other than Falun Gong prisoners.

The ex-wife of a surgeon in Sujiatin Hospital in a remote region of China said that her former husband confessed to her that he removed the corneas from the eyes of approximately 2,000 Falun Gong prisoners during the 2-year period from the end of 2001 to October 2003. For that, he made the equivalent of hundreds of thousands of U.S. dollars. Her testimony was credible in my opinion. But to be cautious, we relied only on it when it was independently corroborated.

I might mention, Mr. Chair, that the ex-wife who calls herself Annie, and the Chinese journalist who uses the name Peter, and who together broke this story on March 9, 2006, are seeking political asylum in the United States. It is no coincidence, in my judgment, that the July 1st 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.

Members of this Subcommittee can no doubt, Mr. Chairman, assist Annie and Peter during a period of enormous anxiety for them.

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

Our report has 17 different recommendations. Virtually nothing to prevent the harvesting of organs of Falun Gong prisoners is currently being applied. If the government is serious, all of our measures should be enacted with deliberate speed.

Recommendation number one is that the harvesting practice from Falun Gong prisoners be stopped immediately. A couple of the others—independent human rights organizations should conduct their own investigations to see whether the allegations are true. They are in the text and I can see my time is up.

All governments, including this one, sir, should strengthen the laws against the crime of trafficking in human organs, including those seized from persons in detention abroad.

Until governments are satisfied that China's new law is effectively implemented, the 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.

All detention facilities, including forced labor camps, should be open for international inspection by the International Committee of the Red Cross or other humanitarian organizations. Transplants, of course, must not be for sale.

So in closing—I am sorry I have gone over my time—you, honorable Members of this Subcommittee 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.

Thank you.

[The prepared statement of Mr. Kilgour follows:]

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"

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 re-enforced 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. ROHRABACHER. 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.

Mr. Matas, would you like to proceed?

STATEMENT OF DAVID MATAS, ESQ., SENIOR LEGAL COUNSEL, B'NAI BRITH CANADA, CO-AUTHOR OF THE "REPORT INTO ALLEGATIONS OF ORGAN HARVESTING OF FALUN GONG PRACTITIONERS IN CHINA"

Mr. MATAS. Yes. Thank you very much. Thank you very much. In the short time I have, I wanted to do three things: One, to add to what my colleague, David Kilgour, has said about what we have done in our own report; secondly, to tell you a bit about where we are planning to go, ourselves, on this issue; and, thirdly, to suggest to you what Congress itself and you as Chair of this Subcommittee could do to further this issue.

Mr. Kilgour has mentioned the 18 different ways we studied this issue and came to the conclusion that this practice was happening, and he mentioned specifically four of them. Let me very briefly in a sentence or two go through the other 14 to get an overall picture of why we came to the conclusion we did.

In addition to the ideological threat the Communist Party of China saw in the Falun Gong, something Mr. Kilgour mentioned, I draw to your attention that the Communist Party actually has painted a visible written policy of persecution against the Falun Gong; that thirdly, the Falun Gong is vilified, the subject of incitement of hatred in the extreme and indeed their response to our report, the evil of the Falun Gong, is not a credible response.

We do know, and this is incontestable, that the Falun Gong has been arrested in huge numbers, detained without trial or charge, simply to get them to renounce their beliefs. We also well know that they are victims of systematic torture and ill treatment. One can debate whether organ harvesting is happening or not, but what one cannot debate is this torture. We have named hundreds of identified cases of people who have formally disappeared, where family members have made complaints and there has been no explanation for their disappearances.

We have traced traditional sources of organ transplants, executed prisoners, donors, and the brain dead, and we know from these cal-

culations that the traditional sources cannot explain the number of transplants that are taking place in China.

The other identified sources have remained constant but the number of transplants have skyrocketed coincident with the increase of persecution of the Falun Gong. We have a few cases where family members have actually seen bodies of Falun Gong practitioners in between death and cremation and they have seen mutilated corpses with organs removed.

We know that waiting times in China for organ transplants are incredibly short, a matter of days. Everywhere else in the world, waiting times are measured in months and years, and yet China has no culture of donations. We see on Chinese hospital Web sites incriminating information advertising organs of all sorts on short notice, making this a business.

We have these examinations, and not only the examination of practitioners and other prisoners, but we have even talked to practitioners who have been told that they have survived because their organs are damaged.

We, of course, know that China is generally a systematic human rights violator and there is an overall patent of violations which this forms. We know there is huge money to be made in these transplants. We see on the Internet prices for these transplants ranging from US$30,000 for corneas to US$180,000 for liver-kidney combinations.

We are well aware that corruption in China is a major problem and that there is a lack of state controls over corruption. It becomes kind of a political game, who gets blamed for corruption in China and who does not.

We also know there is no law in place, or there was no law in place, until July 1st of this year, preventing this practice, and even with the law in place at this time it is not clear that it is being implemented.

So these are the other 14 elements that led us to the overall conclusion as a group that this practice is happening. Obviously, it is difficult when a crime is happening behind closed doors, where the victim dies and the perpetrator is unlikely to confess, to come to grips with this sort of allegation, but I am confident that those who read through this report will agree with us, when you look at all of these factors, that this is happening.

What do we intend to do next? We are of course doing what we are doing now. We have been going around the world, Asia, Europe, North America, and a wide variety of countries, talking to legislators, talking to governments, talking to nongovernmental organizations, providing them with additional information promoting our report. And it is receiving, I would say, widespread attention and acceptance, including within the medical community. And the Chinese Government is very much aware of this and trying to answer this basically, I would say, through insults and arm twisting rather than through reasoned argument. And we will continue to do that.

We as well have acquired a lot of additional information as we have gone about this work. In our report, we have 18 different avenues but we are now up to 25 or 26, which we will add to a revised report that we hope to put out by the end of November that will

reinforce our conclusions. And we are continuing to work with others not only to promote our recommendations but to assist them in any investigations they might want to undertake or any initiatives they might want to follow through with Amnesty International, with Human Rights Watch, and with the United Nations (UN) Special Watch on Torture. We have met and discussed with all of them and we are providing them with further information from our sources.

Everything we do, as you have indicated in your introduction, is verifiable independently by anybody who wants to undertake their own investigation. We do not rely on rumor, secondhand reports, or on anything that is not verifiable independently. And we would encourage anyone who has any doubts about this practice to undertake their own investigation and we are happy to assist them.

Thirdly, and finally, what we suggest Congress should do—we are well aware that it is Congress that determines the legislation of the United States, and we believe that there is a way in which this legislation could be strengthened—specifically the practice in which China is engaged, if it happened in the United States, would be illegal. But that legislation, the United States legislation, needs to be made extraterritorial so that somebody who has gone from the United States to China pays the money there, has the operation there, comes back without inquiring into the source of the organs, without taking the normal precautions that are required here, would be committing an offense in the United States. If somebody comes from China and is involved in these operations and is in any way involved in these crimes against humanity, that person should be prosecutable here. The United States needs to make its legislation extraterritorial, and it shouldn't be that difficult just by adding to the present legislation words to the effect that, no matter where the act occurred, whether inside or outside the United States, the act is an offense. And that would help in its own way.

Mr. Kilgour indicated that one of the concerns that our report has identified is that you can debate all you want whether or not this practice is happening in China. But you cannot debate the fact that the precautions that should be in place preventing it from happening are not in place. And what we need to do is to put those precautions in place and the United States can be an important part of that.

Thank you very much.

[The prepared statement of Mr. Matas follows:]

PREPARED STATEMENT OF DAVID MATAS, ESQ., SENIOR LEGAL COUNSEL, B'NAI BRITH CANADA, CO-AUTHOR OF THE "REPORT INTO ALLEGATIONS OF ORGAN HARVESTING OF FALUN GONG PRACTITIONERS IN CHINA"

Chairman Rohrabacher and honorable members of the committee,

Is China harvesting organs of Falun Gong practitioners, killing them in the process? A Japanese television news agency reporter and the ex-wife of a surgeon in March made claims this was happening at Liaoning Hospital in Sujiatun, China. Are those claims true?

The Coalition to Investigate the Persecution of the Falun Gong in China, an organization headquartered in Washington D.C., in May asked former Canadian Secretary of State for Asia and the Pacific David Kilgour and me to investigate these claims. We released a report in July which came to the conclusion, to our regret and horror, that the claims were indeed true.

The repressive and secretive nature of Chinese governance made it difficult for us to assess the claims. We were not allowed entry to China, though we tried. Organ

harvesting is not done in public. If the claims are true, the participants are either victims who are killed and their bodies cremated or perpetrators who are guilty of crimes against humanity and unlikely to confess.

We examined every avenue of proof and disproof available to us, eighteen in all. They were:

1) 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.

2) 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.

3) Falun Gong practitioners are victims of extreme vilification. The official Chinese position on Falun Gong is that it is "an evil cult."

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

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

6) Many Falun Gong practitioners have formally disappeared; they are the subject of formal disappearance complaints by family members. Many more practitioners, in attempt to protect their families and communities, have not identified themselves once arrested. These unidentified are a particularly vulnerable population.

7) 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.

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

9) 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.

10) We interviewed the ex-wife of the surgeon from Sujiatun. Her testimony was credible to us. In order to be cautious, we relied on this testimony only when it was independently corroborated.

11) 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.

12) Waiting times for organ transplants in China are incredibly short, a matter of days. Everywhere else in the world, waiting times are measured in years.

13) Chinese hospital web sites host incriminating information advertising organs of all sorts on short notice.

14) A Falun Gong practitioner who had been in prison in China told us that her Chinese jailers lost interest in her once they found out that her organs had been damaged.

15) China is a systematic human rights violator. The overall pattern of violations makes it harder to dismiss any one claimed violation.

16) There is huge money to be made in China from transplants. Prices charged to foreigners, also available on a web site, range from $30,000.00 US for corneas to $180,000.00 US for a liver kidney combination.

17) Corruption in China is a major problem. The huge money to be made from transplants, the lack of state controls over corruption and the marginalization of the Falun Gong are a deadly trio.

18) Until July 1 of this year, there was no law in China preventing the selling of organs and no law requiring consent for organ harvesting. China has had a poor history of implementing its laws which are designed to ensure respect for human rights.

It is easy to take each element in isolation, and say that this element or that does not prove the claim. But it is their combination which led us to the chilling conclusion to which we came.

We are reinforced in our conclusions by the feeble response of the Government of China. Despite all their resources and inside knowledge, they have not provided any information to counter our report. Instead, they have attacked us personally and, more worrisome, attacked the Falun Gong with the very sort of verbal abuse which we have identified as one of the reasons we believe these atrocities are occurring.

Our report has seventeen different recommendations. Virtually every precaution one can imagine to prevent the harvesting of organs of Falun Gong practitioners in China is not there. All these precautions should be put in place.

But there is one basic recommendation we make which must be implemented immediately. Organ harvesting of Falun Gong practitioners in China must stop.

The full report is available at:
http://organharvestinvestigation.net,
http://investigation.go.saveinter.net/

Mr. ROHRABACHER. Thank you very much for your excellent testimony and your suggestions.

I have some questions for you later about how we can move forward and maybe some of the things we can do. I would suggest we will get to that for sure.

Mr. Zhang, you may now proceed.

STATEMENT OF MR. ERPING ZHANG, EXECUTIVE DIRECTOR, ASSOCIATION FOR ASIAN RESEARCH

Mr. ZHANG. Let me begin by thanking the Members of the Subcommittee on Oversight and Investigations for the opportunity to speak here today. It is my privilege to address those assembled here on the topic of Falun Gong. In particular, I would like to thank Chairman Rohrabacher, who over the years has proven to be an unwavering champion of human rights and freedom in China. Mr. Chairman, we proudly work and call upon others to follow your example.

First, a simple example. A simple question. What exactly is Falun Gong? I would first answer qualitatively by saying that it is part of a longstanding Chinese tradition of self-improvement. Falun Gong values and aspirations, like those of Buddhism and Daoism, are markedly spiritual. For many, practicing Falun Gong begins with a desire to be more healthy through special yoga-like exercises and cultivation of moral values. The person arrives at a greater sense of balance, peace, and of vitality. At its pinnacle is a possibility of a spiritual attainment, in Chinese called "achieving the Dao" or "enlightenment." Its teaching revolves around three values which the practitioner strives to live by; namely, truthfulness, compassion and forbearance.

Speaking quantitatively, Falun Gong is practiced in 80 countries around the world; as of 1999, an estimated 100 million persons in China alone were practicing.

I should also speak in the inverse, if you will, too, and spell out two things we are not. As representatives of China's regime have actively tried to share their rather crude and skewed picture of Falun Gong with members of our Government, including of this Congress, it is possible there is some confusion. Firstly, Falun Gong has no political agenda. It is a spiritual discipline. It has always been and it always will be. It is merely since 1999 those who practice Falun Gong have faced tremendous and often violent prosecution at the hands of China's Communist regime.

So inhuman has been the maltreatment that nearly 3,000 adherents are now known to have died from torture in police custody; hundreds and thousands are currently held in jails and labor camps simply for who they are. Practitioners of Falun Gong are denied schooling, deprived of jobs, denied custody of their own children, publicly humiliated, raped, sexually assaulted by police and

stripped of every basic right we, here in the free world, believe a human being is entitled to.

Furthermore, China's regime has invested untold millions of dollars in propaganda meant to breed hatred and discrimination against groups both in China and around the world, including here. Some victims have even been paraded in the street much like during the Cultural Revolution. More appallingly, the horrific practice of organ harvesting of Falun Gong practitioners has demonstrated how brutal the regime is.

Atop all of this, the regime has robbed Falun Gong of every voice by burning its books in mass rallies, banning all Falun Gong-related literature and blocking all Falun Gong Web sites, even Western news reports. Under this circumstance we have been left with no choice but to speak out. Our goal has been simple and singular: To let other people hear our side of the story and to expose those violating our rights and, by doing so, put an end to the genocide we face.

We are not interested in political power. We would love nothing more than to meditate quietly in parks. But when people beat down our doors and arrest and torture our parents, friends, and children, when they try to wipe out our very existence, we feel duty bound to speak out. Martin Luther King, Jr., is now remembered as a criminal for fighting unjust laws. He is a hero.

Secondly, I would point out Falun Gong is not deviant, weird, or dangerous, as China's regime has tried to portray it. Consider the bigger picture. For one thing, all of the accusations the regime has made came overnight with the banning of Falun Gong in 1999; during the 7 years before then, from 1992 to 1999, Falun Gong was practiced by millions and was totally mainstream and even praised by various official bodies of the Chinese State. That is to say, the accusations were a sudden political invention. And these accusations, it is worth noting, are something China's officials do not allow outsiders to investigate. Those who try are arrested. Or from another perspective, we might note how none of the accusations made by the regime are made in Taiwan, another Chinese society.

There are hundreds of thousands of small islands practicing Falun Gong freely. There, Falun Gong is to this day enormously popular and praised by government officials and doctors alike as healthy and beneficial to society. Falun Gong is taught there in hospitals, schools and even prisons. Then we might ask, Why is it that Falun Gong is so radically different on the two sides of the Taiwan Strait, or is it the political systems? Taiwan, after all, is a democracy. Indeed, we can see that China's regime does not allow other groups to exist freely, be they religious groups, labor groups or political parties.

What this means then is that China's regime has tried to scandalize Falun Gong. So it is important that today we are focusing the discussion on what is real, and I wish to applaud the Subcommittee for its courage.

In closing, I would like to mention one initiative that is occasion for hope and symbolizes our efforts for justice in China: We have launched an Internet project now of 7 years. It has been successful in advancing freedom of information in China. At the present time essentially every Web site blocked to mainline China users is acces-

sible through our anti-blocking technology. That includes the Web site of Voice of America and Radio Free Asia, as well as the uncensored versions of Google and Yahoo!.

Our efforts are done fully for the welfare of China's people. And even insofar as we seek to uphold the law and the Constitution for the sake of the country, there is nothing anti-China about supporting constitutionally-guaranteed rights when they are abused, or pointing out the perpetrator. In America, we call this being a good citizen. I call it in our case being a friend of China. Surely China, after all, is the people of that vast country, and not its unselected rulers who so regularly abuse and exploit their people for their narrow private interest.

We would urge this Congress and our Executive Branch to take every opportunity to raise Falun Gong issues to the Chinese Communist Party (CCP) leaders and help save innocent lives by taking concrete steps to stop the organ harvesting as well as this campaign of persecution. History will not only judge what we have done, but also what we have not when we could.

Thank you for your time and the concern.

[The prepared statement of Mr. Zhang follows:]

PREPARED STATEMENT OF MR. ERPING ZHANG, EXECUTIVE DIRECTOR, ASSOCIATION FOR ASIAN RESEARCH

Let me begin by thanking the Members of the Subcommittee on Oversight and Investigations for the opportunity to speak here today. It is my privilege to address those assembled here on the topic of Falun Gong more generally. In particular, I would like to thank Chairman Rohrabacher who, over the years, has proven to be an unwavering champion of human rights and basic freedoms in China. Mr. Chairman, we applaud your work and we call upon others to follow your example.

First, a simple question: What exactly is Falun Gong? I would first answer qualitatively, by saying that it is part of a longstanding Chinese tradition of self-improvement. Falun Gong's values and aspirations, like those of Buddhism or Daoism, are markedly spiritual. For many, practicing Falun Gong begins with a desire to be more healthy or whole. Through special, yoga-like exercises and cultivation of moral values, the person arrives at a greater sense of balance, peace, and vitality. At its pinnacle is the possibility of spiritual attainment called in Chinese "achieving the Dao," or "enlightenment." Its teachings revolve around three values, which the practitioner strives to live by, namely: truthfulness, compassion, and forbearance. Speaking quantitatively, Falun Gong is practiced in some 80 countries around the world; as of 1999, an estimated 100 million persons in China alone were practicing.

I should also speak in the inverse, if you will, and spell out two things we are not. As representatives of China's regime have actively tried to share their rather crude and skewed picture of Falun Gong with members of our Government including of this Congress, it's possible there is some confusion. Firstly, Falun Gong has no political agenda or aspiration of any sort. It is a spiritual discipline; this it always has been, and always will be. It is merely that since 1999 those who practice Falun Gong have faced tremendous—and often violent—persecution at the hands of China's communist regime. So inhuman has been the maltreatment that nearly 3000 adherents are now known to have died from torture in police custody; hundreds of thousands are currently held in jails and labor camps simply for who they are. Practitioners of Falun Gong are denied schooling, deprived of jobs, denied custody of their own children, publicly humiliated, raped and sexually assaulted by police, and stripped of most every basic right we in the free world believe a human being is entitled to. Furthermore, China's regime has invested untold millions of dollars in propaganda meant to breed hatred and discrimination against the group—both in China and around the world, including here. Some victims have even been paraded through the streets in a cangue, much like during the Cultural Revolution.

Atop all of this, the regime has robbed Falun Gong of any voice by burning its books in mass rallies, banning all Falun Gong related literature, and blocking all Falun Gong websites and even Western news reports. Under this circumstance we have been left with no choice but to speak out. Our goal has been simple and singular: to let people hear our side of the story; to expose those violating our rights;

and to, by doing so, end the genocide we face. We are not interested in political power. We would love nothing more than to meditate quietly in parks. But when people beat down our doors and arrest and torture our parents, friends, and children, when they try to wipe out our very existence, we feel duty-bound to speak out. Martin Luther King Jr. is not remembered as a criminal for fighting unjust laws; he is a hero.

Secondly, I would point out that Falun Gong is not deviant, weird, or dangerous, as China's regime has tried to portray it. Consider the bigger picture. For one thing, all of the accusations the regime has made came overnight, with the banning of Falun Gong in 1999; during the seven years before then, from 1992–1999, Falun Gong was practiced by millions and totally mainstream, and even praised by various official bodies of the Chinese state. That is to say, the accusations were a sudden political invention. And these accusations, it is worth noting, are something Chinese officials do not allow outsiders to investigate; those who try are arrested. Or from another perspective, we might note how none of the accusations made by the regime are made in Taiwan, another Chinese society. There, hundreds of thousands on the small island practice Falun Gong freely. There, Falun Gong is, to this day, enormously popular and praised by government officials and doctors alike as healthy and beneficial to society. Falun Gong is there taught in hospitals, schools, and even prisons. Then we might ask: is it that Falun Gong is so radically different on the two sides of the Taiwan Strait, or is it the political systems? Taiwan, after all, is a democracy. Indeed, we can see that China's regime does not allow other groups to exist freely—be they religious groups, labor unions, or political parties.

What this means, then, is that China's regime has tried to scandalize Falun Gong. It has done so for at least three reasons:

1) doing so paints the oppressor in a rosy light, as if it were stomping out society's bad elements; if people knew the truth about what Falun Gong is they would be outraged at the communist regime's actions

2) by shifting attention to Falun Gong's beliefs, the spotlight is removed from the practices of China's regime, which include the brutal torture and even murder of Falun Gong's followers;

3) by painting Falun Gong as weird, cultish, or different from you and me, it hopes to scare people away from the issue, make things seem terribly messy, and dull the listener's humanity, as it were.

In a word, the attempt is to undermine sympathy and support for Falun Gong, to alienate the group, and to justify what is in essence simply another attempt by the Chinese leadership to exercise totalitarian control.

So, it is important that today we are focusing the discussion on what is real and what is dire, and I wish to applaud the committee for its courage.

In closing, I would like to mention one initiative that is occasion for hope, and symbolizes our efforts for justice in China. The Global Internet Freedom Consortium which consists of five U.S.-based organizations has launched a project called, "Cyber Freedom for China and the World." The project, now in its seventh year, has been extremely successful in advancing freedom of information in China. At the present time, essentially every website blocked to mainland Chinese users is accessible through the consortium's anti-blocking technology. This includes the web sites of Voice Of America and Radio Free Asia, as well as the uncensored versions of Google and Yahoo. In 2005, hits by mainland Internet users through our technology averaged 30 million per day. It has created a safe, secure online virtual environment where Chinese people can practice and realize the freedom of speech, association, and belief that does not exist elsewhere in China. The positive impact is both very real and important—we are not only bringing Internet freedom to China as well as all other repressive countries, but also facilitating the peaceful transformation in China that the world has long hoped for.

Our efforts are done fully for the welfare of China's people, and even, insofar as we seek to uphold the law and constitution, for the sake of the country. There is nothing "anti-China" about supporting constitutionally-guaranteed rights when they are abused, or pointing out the perpetrator. In America, we call this being a good citizen. I call it, in our case, being a friend of China. Surely "China," after all, is the people of that vast country—and not its unelected rulers, who so regularly abuse and exploit her people for their narrow, private interests.

We would urge this Congress and our Executive Branch to take every opportunity to raise Falun Gong issues to the CCP leaders and help save innocent lives by taking concrete steps to end this persecution soon. History will not only judge we have done, but also what we haven't when we could.

Thank you for your time and concern.

Mr. ROHRABACHER. Thank you very much for that excellent testimony.

And Dr. Allison, you may proceed.

STATEMENT OF KIRK C. ALLISON, PH.D., DIRECTOR, PROGRAM IN HUMAN RIGHTS AND HEALTH, SCHOOL OF PUBLIC HEALTH, AND ASSOCIATE DIRECTOR, PROGRAM IN HUMAN RIGHTS AND MEDICINE, MEDICAL SCHOOL, UNIVERSITY OF MINNESOTA

Mr. ALLISON. Chairman Rohrabacher, thank you for your attention to this issue and for the privilege of my presenting testimony. Although I am the Director of the Program in Human Rights and Health in the School of Public Health, and the Associate Director of the Program in Human Rights and Medicine in the University of Minnesota, in my remarks I am speaking for myself rather than for my institution and, secondly, my concern is general as I am not a Falun Gong practitioner.

Since July 1999, the systematic persecution of nonviolent Falun Gong practitioners constitutes the single greatest concentration of human rights violations in China against a specific group since the Cultural Revolution. A program of ideological eradication has been systematically pursued in a double strategy: Publicly with high visibility in terms of state propaganda but hermetically in actions of detainment and sanction outside of conventional judicial processes. Nonetheless, events and practices have been recounted in affidavits, structurally inferred from publicly available information, forensically, and through telephone interviews.

While the People's Republic of China repudiated the International Covenant of Civil and Political Rights signed by Taiwan, it ratified the International Covenant of Economic, Social and Cultural Rights. This includes "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," and the right to take part in cultural life "without discrimination of any kind as to race, color, sex, language, religion, politics or other opinion, national or social origin, property, birth or status."

Notably, before October 1988, China also ratified the Convention Against Torture or Cruel or Degrading Treatment or Punishment, but rejected the Committee Against Torture's power of inquiry under Article 20. Manfred Nowak, the China mission special rapporteur regarding civil and political rights, including the issue of torture and detention, concluded in 2005:

> "The combination of deprivation of liberty as a sanction for the peaceful exercise of freedom of expression, assembly and religion, with measures of re-education through coercion, humiliation, and punishment aimed at admission of guilt and altering the personality of detainees up to the point of breaking their will, constitutes a form of inhuman or degrading treatment or punishment which is incompatible with the core values of any democratic society based upon a culture of human rights."

Mr. Nowak notes that Falun Gong practitioners comprise 66 percent of victims of alleged torture in China. Those who defend practitioners are sanctioned, as is the case of Attorney Gao Zhisheng, whose third open letter in 2005 protesting the treatment of Falun

Gong practitioners resulted in closure of his law firm and loss of his law license. He has recently been in detention since August 15, 2006, and continues to this date.

The systematic program of ideological eradication of Falun Gong coincided with an inexplicable increase in whole organ transplantation and international organ transplant tourism to China. This raises the question of the organ source. In July 2005, Huang Jiefu, Vice Minister of Health, indicated as high as 95 percent of organs derived from execution. Under the 1997 Criminal Law, capital crime offenses were expanded from 27 in 1979 to 68, with over half for nonviolent crime.

While the number of executions is a state secret, Liu Renwen of the Chinese Academy of Social Sciences Law Institute estimated 8,000 executions in 2005. Regional claims of low rates are contradicted by strong circumstantial evidence. Amnesty International reports that Yunnan Province admitted to only 17 executions in 2002 but purchased 18 mobile execution vans in 2003 at about $60,000 each. Such mobile execution vans have been cited as providing a smooth transition from execution to organ extraction with physicians involved in both phases.

Coordination of execution by gunshot followed by organ extraction has been cited in congressional testimony by Dr. Wang Guoqi, far beyond the latitude of Article 3 of China's Provisional Regulations on the Use of Executed Prisoners' Corpses or Organs of 1984. That allows extraction of organs if the prisoner agrees, if the family agrees or if the body is not claimed, which is frequently the case because of distance.

While the World Medical Association's Resolution on Physician's Conduct on Human Organ Transplantation of 1994 enjoins severe discipline for physicians involved in the nonconsensual extraction of organs from executed prisoners, on May 22, 2006, the Council of the World Medical Association called on China to cease using executed prisoners as sources for organ transplantation carte blanche.

Coordination across the state bureaucracy between execution and transplantation is clear. The Web site of the China International Transplant Center states openly:

> "So many transplantation operations are owing to the support of the Chinese Government. The Supreme Demotic Court, Supreme Demotic Law-officer, Police, Judiciary, Department of Health and Civil Administration have enacted a law together to make sure that organ donations are supported by the government. This is unique in the world."

In this sense, the confluence of Falun Gong persecution and organ sourcing is a variation on a larger theme noted in popular press and before Congress. While a new temporary regulation to curb the blatant selling of organs came into force on July 1, 2006, transplant tourism at high prices continues: A BBC story on Wednesday of this week—9/28/06—reported organ sales thriving in China, while officials state that nonconsensual organ removal is a fabrication. Yet consent "free of undue pressure," is difficult to conceive in the context of impending execution with little resources for substantive appeal—aside from the reported extrajudicial tissue typing and selection of Falun Gong detainees.

Concerning Falun Gong practitioners as nonvoluntary victims, the most compelling evidence has been compiled by David Kilgour and David Matas in the *Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China* July 6, 2006. Using Chinese information, the source of some 41,500 organs between 2002 and 2005 remains ambiguous and unaccounted for. Systematic blood testing of arrested Falun Gong practitioners is known. The report assesses overlapping evidence pointing with high likelihood to organ sourcing from Falun Gong practitioners.

In my meeting with practitioners in June 2006, evidence included transcripts of queries to identified hospitals and physicians on organ availability. Falun Gong sources were characterized as being of high quality and often available in as short a time as a week, in some cases with a guarantee of a backup organ should the first fail.

My statement on July 24, 2006, titled, "Mounting Evidence of Falun Gong Practitioners Used As Organ Sources in China and Related Ethical Responsibility," made several points, and I have submitted that document for the record.

The short time frame of on-demand system transplantation requires a large pool of donors pretyped for blood group and Human Leukocyte Antigen (HLA) matching to prevent rejection. It is consistent with execution timing. Given a 12- to 24-hour window for kidney tissue and a 12-hour window for liver matching for transplants tourists cannot be assured on a random death basis. Queried physicians indicated selecting live prisoners to ensure quality and compatibility. The coordination of transplantation can take place only through communication, in particular in an on-demand context.

Some people have written, "Oh, they wouldn't admit it," but it is the only way to make the system work and, as is indicated by the new law, the selling of organs is a fact.

Given the seriousness of the matter, it is fitting for this Subcommittee to review the evidence, whether confirmatory or exculpatory, and to formulate clear policy and legislation and exercise appropriate pressure. The current level of evidence calls for this step.

Thank you for the opportunity to present this testimony to the Subcommittee.

And as a footnote, I would add the academic community has an incumbent responsibility to apply standards of human subjects protection to research coming to the United States from China that is being applied for medical journals.

And with that, I conclude my testimony.

[The prepared statement of Mr. Allison follows:]

PREPARED STATEMENT OF KIRK C. ALLISON, PH.D., DIRECTOR, PROGRAM IN HUMAN RIGHTS AND HEALTH, SCHOOL OF PUBLIC HEALTH, AND ASSOCIATE DIRECTOR, PROGRAM IN HUMAN RIGHTS AND MEDICINE, MEDICAL SCHOOL, UNIVERSITY OF MINNESOTA

Chairman Rohrabacher, ranking member Delahunt, Congresswoman McCollum and esteemed Committee members, thank you for your attention to this issue and for the privilege of presenting testimony. In my remarks I am speaking for myself rather than for my institution, and, secondly, my concern is general as I am not a Falun Gong practitioner.

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> The combination of deprivation of liberty as a sanction for the peaceful exercise of freedom of expression, assembly and religion, with measures of re-education through coercion, humiliation and punishment aimed at admission of guilt and altering the personality of detainees up to the point of breaking their will, constitutes a form of inhuman or degrading treatment or punishment, which is incompatible with the core values of any democratic society based upon a culture of human rights.[4]

Mr. Nowak notes that Falun Gong practitioners comprise 66% of victims of alleged torture in China.[5] Those who defend practitioners are sanctioned as is the case of Attorney Gao Zhisheng whose third open letter in 2005 protesting the treatment of Falun Gong practitioners (among others) resulted in closure of his law firm and loss of his law license. He has recently been in detention since 15 August 2006.

The systematic program of ideological eradication of Falun Gong coincided with an inexplicable increase in whole organ transplantation, and international organ transplant tourism to China. This raises the question of the organ source. In July of 2005 Huang Jiefu, Vice Minister of Health, indicated as high as 95% of organs derive from execution.[6] Under the 1997 Criminal Law capital crime offenses were expanded from 27 in 1979 to 68, with over half for nonviolent crime.[7]

While the number of executions is a state secret, Liu Renwen of the Chinese Academy of Social Sciences Law Institute estimated 8,000 executions in 2005.[8] Regional claims of low rates are contradicted by strong circumstantial evidence: Amnesty International reports that Yunnan Province admitted to 17 executions in 2002 but purchased 18 mobile execution vans in 2003 at about $60,000 each.[9] Such mobile vehicles have been cited as providing a smooth transition from execution to organ extraction[10] with physician involved in both phases.

Coordination of execution by gunshot followed by organ extraction without consent has also been cited in Congressional testimony by Dr. Wang Guoqi, far beyond the latitude of Article 3 of China's *Provisional Regulations on the Use of Executed Prisoners' Corpses or Organs* (1984).[11] While the World Medical Association's *Resolution on Physician's Conduct Concerning Human Organ Transplantation* of 1994 enjoins "severe discipline" for physicians involved in the nonconsensual extraction of organs from executed prisoners,[12] on 22 May 2006 the Council of the World Medical Association called on China to cease using executed prisoners as sources for organ transplantation carte blanche.[13]

Coordination across the state bureaucracy between execution and transplantation is clear. The website of the China International Transplant Center states openly:

> So many *transplantation* operations are owing to the support of the Chinese government. The Supreme Demotic Court, Supreme Demotic Law-officer, Police, Judiciary, Department of Health and Civil Administration have enacted a law together to make sure that organ donations are supported by the government, This is unique in the world.[14]

In this sense, the confluence of the Falun Gong persecution and organ sourcing is a variation on a larger theme noted in popular press[15] and before Congress.[16] While a new 'temporary' regulation to curb the blatant selling of organs came into force on 1 July 2006,[17] transplant tourism at high prices continues. A BBC story on Wednesday of this week reported "organ sales thriving in China"[18] while officials

state nonconsensual organ removal a fabrication.[19] Yet consent "free of undue pressure"[20] is difficult to conceive in a context of impending execution with little recourse to substantive appeal—aside from the reported extrajudicial tissue typing and selection of Falun Gong detainees.

Concerning Falun Gong practitioners as nonvoluntary victims, the most compelling evidence has been compiled by David Kilgour and David Matas in the *Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China* of 6 July 2006. Using Chinese information, the source of some 41,500 organs between between 2000 and 2005 remains ambiguous and unaccounted for. Systematic blood-testing of arrested Falun Gong practitioners is known.[21] The report assesses overlapping evidence pointing with high likelihood to organ sourcing from Falun Gong practitioners.

In my meeting with practitioners in June 2006[22] evidence included transcripts of queries to identified hospitals on organ availability. Falun Gong sources were characterized as being of high quality and often available in as short a time as a week, in some cases with a guarantee of a backup organ. My statement on 24 July 2006 titled "Mounting Evidence of Falun Gong Practitoners used as Organ Sources in China and Related Ethical Responsibilities,"[23] made several points:

The short time frame of an on-demand system requires a large pool of donors pretyped for blood group and HLA matching. It is consistent with execution timing. Given a 12–24 hour window for kidney tissue, and a 12 hour window for liver, matching for transplant tourists cannot be assured on a random-death basis. Queried physicians indicated selecting live prisoners to ensure quality and compatibility.[24] The coordination of transplantation can take place only through communication, in particular in an on-demand context.

Given the seriousness of the matter, it is fitting for this Committee to initiate an independent investigation from which, on the basis of evidence, whether confirmatory or exculpatory, clear policy can be articulated, and appropriate pressure exercised. The current level of evidence calls for this step.

Thank you for the opportunity to present this testimony to the subcommittee.

[1] The suppression of Falun Gong was organized under the so-called "610 Office" whose charge is to "eradicate Falun Gong." The formula, reportedly of 610 Office head Li Lanquing during a mass meeting in the Great Hall of the People in 1999, comprises "defaming their reputations, bankrupting them financially and destroying them physically." Reported by Li Biagen, assistant director of the Beijing Municipal Planning Office. In Matas and Kilgour *Report* (note 2), p. 9. China is a signatory to the *Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (ratified 12/12/1986) but excuses itself from Article 20 (investigation of alleged violations) and Art. 30 pargaraph 1,arbitration between states.

[2] Article 12 (1) and Article 15 (1)(a), respectively. According to the *Congressional Executive Commission on China Annual Report 2006* in 2005 alone 4.62 million pieces of Falun Gong publications were seized. http://www.cecc.gov/pages/annualRpt/annualRpt06/CECCannRpt2006.pdf (accessed 9/29/06).

[3] *International Covenant of Economic, Social and Cultural Rights* http://www.unhchr.ch/html/menu3/b/a_cescr.htm (accessed 9/27/06).

[4] *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, on his Mission to China (20 November to 2 December 2005).* E/CN.4/2006/6/Add.6, p.2.

[5] Percentages: Falun Gong 66; Uighurs [a Muslim separatist minority] 11; sex workers 8; Tibetans 6; Human rights defenders 5; political dissenters 2; others (HIV/AIDS infected; religious groups) 2. *See* Table 1: Victims of alleged torture. E/CN.4/2006/6/Add.6, p.13.

[6] *Congressional Executive Commission on China Annual Report 2006*, p. 59; note 224, p.201: "Organ Transplants: A Zone of Accelerated Regulation" [Qiguan yizhi: jiakuai guizhi de didai], Caijing Magazine (Online), 28 November 05, reporting that over 95 percent of organs transplanted in China come from executed prisoners.

[7] Circa 65% of capital offenses were for nonviolent crime. *Congressional Executive Commission on China Annual Report 2006*, note 210, p. 200.

[8] *Congressional Executive Commission on China Annual Report 2006*, note 212, p. 200.

[9] Amnesty International. "People's Republic of China. Executed 'according to law'? The Death Penalty in China." 22 March 2004. http://web.amnesty.org/library/Index/engasa170032004 (accesed 9/28/06). Also "Death, Yunnan style." *Beijing Today*. 7 March 2003. http://bjtoday.ynet.com/article.jsp?oid=2173725 (accessed 09/28/06)

[10] Calum MacLeod, "China makes ultimate punishment mobile," *USA Today*, 15 June 2006, 8A [with photo].

[11] Organs for sale: China's growing trade and ultimate violation of prisoners' rights: hearing before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives, One Hundred Seventh Congress, first session, June 27, 2001. 57–61. http://wwwc.house.gov/international_relations/107/73452.pdf (accessed 9/27/06).

[12] World Medical Association Resolution on Physician's Conduct Concerning Human Organ Transplantation (1994). Adopted by the 46th WMA General Assembly. Stockholm, Sweden, September 1994 shttp://www1.umn.edu/humanrts/instree/physicianconduct.html (accessed 9/28/06).

[13] World Medical Association. "World Medical Association demands China stops using prisoners for organ transplants." 22 May 2006. http://www.wma.net/e/press/2006_4.htm (accessed 9/28/53).

[14] "Facts of Chinese Transplantation." China International Transplant Center. http://en.zoukiishoku.com/list/facts.htm (accessed 9/28/06).

[15] *See* Erik Baard, Rebecca Cooney. "China's Execution, Inc." *The Village Voice*. 8 May 2001. 36, 38–40.

[16] *Organs for sale: China's growing trade and ultimate violation of prisoners' rights:* hearing before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives, One Hundred Seventh Congress, first session, June 27, 2001. http://wwwc.house.gov/international_relations/107/73452.pdf (accessed 9/27/06).

[17] Zhen Feng, "New rule to regulate organ transplantations," *China Daily*, 05/05/06, p. 1. http://www.chinadaily.com.cn/china/2006–05/05/content_582847.htm (accessed 9/28/06).

[18] "Organ sales 'thriving' in China." *BBC News.* 9/27/06. http://news.bbc.co.uk/1/hi/world/asia-pacific/5386720.stm (accesseed 9/28/06).

[19] "China bans transplant organ sales." *BBC News.* 3/28/06. http://news.bbc.co.uk/1/hi/world/asia-pacific/5386720.stm (accesseed 9/28/06).

[20] Take for example United Nations General Assembly Resolution 59/156 of 20 December 2004, *Preventing, combating and punishing trafficking in human organs:* "34. To be able to give valid consent, the competent donor must be thoroughly informed about the purpose and nature of the removal, as well as its consequences and risks. In addition, the consent must be voluntary, free from coercion and undue pressure."

[21] See Matas and Kilgour *Report*, pp. 18–19.

[22] 9 June 2006 in Minneapolis, Minnesota.

[23] Kirk C. Allison, "Mounting Evidence of Falun Gong Practitoners used as Organ Sources in China and Related Ethical Responsibilities," reprinted in the *Epoch Times*, 8/7/06. http://www.theepochtimes.com/news/26–8–7/44706.html (accessed 9/28/06). Chinese translation: http://www.dajiyuan.com/b5/6/8/9/n1415652.htm (accessed 9/28/06).

[24] An interview with a physician at Nanning City Minzu Hospital in Guangxi Autonomous Region (22 May 2006) with a Dr. Lu indicates physicians select the prisoners to be used for organ sources at the point of demand. *See* Matas and Kilgour *Appendix 14*, p. 3–4.

Mounting Evidence of Falun Gong Practitioners used as Organ Sources in China and Related Ethical Responsibilities

24 July 2006

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The systematic government persecution of nonviolent Falun Gong practitioners in China since July 1999 has constituted the greatest concentration of human rights violations against a single cultural group in China since the cultural revolution. It is a program of suppression separated from conventional judicial processes or appeals.[1] This persecution should cease immediately.

Additionally, there is accumulating convincing evidence of the use of Falun Gong practitioners as involuntary sources for organ transplantation in China. This implies a scope of human rights violations involving institutional medicine not documented since the 1940s. Many recipients of such organs are foreign patients from Malaysia, Japan, Europe and United States.

The 6 July 2006 "Report into allegations of Organ Harvesting of Falun Gong Practitioners in China" by attorney David Matas and Canadian former Asia-Pacific Secretary of State David Kilgour[2] confirms with high likelihood sourcing of Falun Gong organs. Evidence includes interviews and telephone inquiries to specifically identified medical institutions and doctors in China. These interviews identify organs from Falun Gong practitioners as being of high quality, in supply, and usually accessible in a short period of time. This extends concern regarding a system of transplantation already sourced from executed of prisoners.

Between 2000 and 2005 the source of some 41,500 organs remains ambiguous. Family donors or nonfamily brain-dead donors account for less than 1% of donation in China. A national voluntary donor program is undeveloped.[3] Kidney transplants nearly tripled in the same period.[4] Liver transplants increased nationwide from about 135 in 1998 to over 4000 in 2005. Various advertised ranged widely from about $24,000 (200,000 yuan) for Chinese to $98,000 or more U.S. dollars for foreigners.[5]

Various transplantation websites have promised a liver within an average of one week,[6] a month, or guaranteed by two.[7] A kidney is promised within two weeks, with a second in one week[8] should the first prove "unsuitable." This time frame requires a large pool of donors pretyped for blood group and HLA matching. Systematic blood-testing of arrested Falun Gong practitioners is known.[9] Given a 12-24 hour window for kidney transplantation, and a 12 hour window for liver, scheduled matching cannot be assured on a random-death basis. Heart or whole liver transplantation requires donor death, either prior to or directly by taking the organs.

Recorded telephone inquiries to transplant sites and even detention centers[10] repeatedly identify Falun Gong practitioners as "live", "healthy" and consistently available as sources of organs. Physicians have indicated selecting live prisoners to ensure compatibility.[11]

While reform of the transplantation system has been promised in a new "temporary" regulation taking effect on 1 July 2006, the regulation has not been published verbatim for scrutiny. It reportedly requires that a local hospital ethics committee approve transplants and confirm legal sources. However, there is no indication of less reliance on execution in the transplantation system of China, and certainly no less persecution of Falun Gong.

Given the prominence of the transplantation institutions reflected in the inquiries, it cannot be claimed that such human rights abuses are isolated rogue occasions, unknown or incidental to China's "unique" system of organ procurement.[12] Concern applies both to civilian hospitals ultimately accountable to the Ministry of Health and to military hospitals which are not.

Given a transplantation system relying on executed prisoners generally,[13] and strong evidence of Falun Gong practitioners as sources in particular, the following ethical principles and policy implications apply:

1. An organ transplantation system relying on execution, to which China admits, cannot embody non-coercive informed consent.[14] An option between immediate execution or execution at an arbitrary future time, when blood group type and HLA matches a prospective recipient, makes free, uncoerced, informed consent impossible – if sought at all.

2. The advent of 'organ transplantation tourism' as a source of foreign medical income, and the confluence execution-related organ sourcing and high organ demand increases the likelihood of execution for marginal offenses. Capital offenses in China range from murder, to economic corruption, to nebulous anti-state activity – as leveled against Falun Gong practitioners.

3. What, then, are the human rights responsibilities of the international medical and research community?
    a. Professional associations, such as The Transplantation Society, should place a moratorium on research support and collaboration with transplantation in China given that such collaboration tacitly facilitates the continuance of a gross violation of human rights.
    b. Academic journals and educational venues, such as the World Transplant Congress, must reject papers and presentations relying on data derived from practices violating standards described in Helsinki Declaration of the World Medical Association Ethical Principles Regarding Medical Research Involving Human Subjects[15] and international instruments.
        i. The Helsinki Declaration states: "Concern for the interests of the subject must always prevail over the interests of science and society."
        ii. It is unethical to publish research data generated by unethical research processes. Data derived from a transplantation system violating the canons of informed consent clearly falls within this category. This applies to papers based on transplantation data involving procedures where organs are obtained by illicit means. An ethical review of past publications is in order.

iii. It is unethical for tenure or review committees to consider publications or presentations derived from such data as a basis for advancement – despite any technical merit.

iv. While there is a *scientific, professional, and even personal cost* to ethical and moral consistency, the human rights cost of its generation and underlying practices, and the tendency of after-the-fact legitimation of such data by rationalization and use, is much higher.

1. The publication of unethically generated data, or results based on this data, is also unethical, as it violates the canons of consent. Doing so creates additional demand and allowances for such data, here irrespective of the deaths of nonvoluntary donors.

c. Academic institutions should review and suspend research collaborations involving transplantation, and transplantation data sourced from the Peoples Republic of China. This also applies to practice collaborations[16] or demonstration procedures.

i. While not all transplant surgeons within the Chinese system approve of state practices, the practices in this area are pervasively in violation of fundamental human rights and canons of medical ethics.[17]

d. There is an ethical obligation for funding agencies and foundations to direct or redirect funding to projects with licit sources of data.

4. Given the evidence at hand, international transplant patients who obtain organs in China do so at the cost of benefiting from, and tacitly supporting, the continuance of an ongoing lethal violation of human dignity and human rights. Prospective patients should be informed of this fact and actively discouraged from pursuing this avenue of treatment.

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[1] The suppression of Falun Gong was organized under the so-called "610 Office" whose charge is to "eradicate Falun Gong." The formula reportedly of 610 Office head Li Lanquing in a mass meeting in the Great Hall of the People in 1999 comprises "defaming their reputations, bankrupting them financially and destroying them physically." Reported by Li Biagen, assistant director of the Beijing Municipal Planning Office. In Matas and Kilgour *Report* (note 2), p. 9. China is a signatory to the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (ratified 12/12/1986) but excuses itself from Article 20 (investigation of alleged violations) and Art. 30 pargaraph 1, arbitration between states.

[2] David Matas and David Kilgour : Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China (6 July 2006) < http://www.david-kilgour.com/2006/Kilgour-Matas-organ-harvesting-rpt-July6-eng.pdf>.

Hereafter *Report*. Appendices 1-14 (6 July 2006) <http://www.david-kilgour.com/2006/FINAL_appendices_20060706_short.pdf>
Chinese embassy response (6 July 2006) < http://www.david-kilgour.com/2006/KilgourMatasReply.doc >
Response of David Kilgour and David Matas to the Chinese Government Statement. (7 July 2006) <http://www.david-kilgour.com/2006/KilgourMatasReply.doc >.

[3] In Matas and Kilgour *Report*, pp. 16-18. (sourced)

[4] In Matas and Kilgour *Report*, p. 18. (sourced)

[5] In Matas and Kilgour *Report*, p. 32. Pricing at the China International Transplant Center had ranged from $98,000 to $130,000. The cost table is now expunged at http://en.zoukiishoku.com/list/cost.htm but available archived at http://web.archive.org/web/20050206035351/http://en.zoukiishoku.com/list/cost.htm.

[6] On advertisement of the Changzhen Hospital in Shanghai. See Matas and Kilgore, *Report*, p.28. (sourced)

[7] China International Transplant Center – The Volunteers. http://en.zoukiishoku.com/list/volunteer.htm

[8] China International Transplant Center – The Volunteers. http://en.zoukiishoku.com/list/volunteer.htm

[9] See Matas and Kilgour *Report*, pp. 18-19.

[10] See Matas and Kilgour *Report*, pp. 25-27.

[11] An interview with a physician at Nanning City Minzu Hospital in Guangxi Autonomous Region (22 May 2006) with a Dr. Lu indicates physicians select the prisoners to be used for organ sources at the point of demand. *See* Matas and Kilgour *Appendix 14*, p. 3-4.

[12] "The Supreme Demotic Court, Supreme Demotic Law-officer, Police, Judiciary, Department of Health and Civil Administration have enacted a law together to make sure that organ donations are supported by the government, This is unique in the world." China International Transplant Center – Facts about Translation in China. http://en.zoukiishoku.com/list/facts.htm.

[13] The total number of executions in China carries the status of state secret. One official mentioned up to 10,000 cases resulting in "immediate executions." Various estimates range from the low thousands to 10,000 per year. For a general overview of human rights violations in China (2005): *Country Reports on Human Rights Practices. China (includes Tibet, Hong Kong and Macau)*. United States State Department. http://www.state.gov/g/drl/rls/hrrpt/2005/61605.htm. Persecution of Falun Gong and organ sourcing are discussed.

[14] The UN GA Res. 59/156 of 20 December 2004, entitled "Preventing, combating and punishing trafficking in human organs" resulting report to the General Secretary states: "34. To be able to give valid consent, the competent donor must be thoroughly informed about the purpose and nature of the removal, as well as its consequences and risks. In addition, the consent must be voluntary, free from coercion and undue pressure." p. 8. <http://daccessdds.un.org/doc/UNDOC/GEN/V06/513/17/PDF/V0651317.pdf?OpenElement>

[15] http://ohsr.od.nih.gov/guidelines/helsinki.html

[16] The option of a foreign patient's physician performing the procedure in China is found in China International Transplant Center – The Volunteers. http://en.zoukiishoku.com/list/volunteer.htm.

[17] See for example the *Universal Declaration on Bioethics and Human Rights* (adopted by acclamation, 33rd Session of the General Conference of UNESCO, 19 October 2005).

Mr. ROHRABACHER. I want to thank all our witnesses for excellent testimony and let me pledge to you that if I am the Chairman of this particular Subcommittee next year, which is possible, depending on how the voters vote and what the leadership decides to do with me, there will be another hearing on this issue and it will be designed specifically to formulate legislation that will in some way come to grips with this. And I can't promise you right now that we are going to do that because I don't know if I am going to be here or not. But if I am here, we will have that hearing and we will write proposed legislation that at least in some way confronts this evil that we are hearing about today.

And there is one thing that I am very disappointed about—that we do not have someone here to testify from the State Department. And the State Department, if I am correct, was invited to participate. So we have the State Department refusing to participate. I am told there may be a State Department person in the audience. Don't look to your right or left. It might be that person. But we hope that person goes back and talks to his or her superiors and lets them know the magnitude of the moral questions that we are discussing today about whether the United States is going to ignore the horrific evidence of this monstrous crime or whether we are going to be doing something about it in some way. And I will be asking some questions in a moment about exactly how we can do it. I am disappointed, however, that the State Department is not here officially. The United States Government should be officially involved when something like this happens or is taking place in the world.

If we have another hearing on this, we will also have some people here from the medical profession in the United States to answer some questions as to their conduct and as to what they think should be done to create standards so that we are not benefitting by such a hideously immoral practice.

Let me just note that I am a father of three. I have—my wife, God bless us, with little triplets, three little babies just 2½ years old. We know that, in China, of course, there is a One-Child Policy, and I am fully aware now about what that means, the love of your life tied into your children.

Before it was just theoretical. Now I really fully understand. So I understand if we talk about a Chinese citizen who is being mistreated or executed or tortured and in some way taken away from their family, that this is not just a tremendous assault on an individual, but what heartache and monstrous pain that the parents, if you only have one child, must feel if their child is being taken away and treated such.

Because I know that even if one of my children were mistreated, that would drive me insane. What so many people in China must be feeling now if their child would be—and how proud I would be if my child were involved in something that is as admirable as the goals set out by the Falun Gong, in terms of treating people honestly and decently and seeking truth and other things.

So, anyway, the magnitude of the suffering that we are talking about today, I just sort of multiplied in my mind by the families of each one of these people as well.

So let me ask a few questions here, and, Mr. Matas, you went through some of the specifics. Maybe you could outline for me what legislation or actions should take place that would in some way permit us—you mentioned extraterritorial jurisdiction for anyone involved in such crimes—and maybe you could move on to a couple of the examples of what you would want us to do.

Mr. MATAS. Yes, well, I should say that we are happy to assist yourself and your staff in proposing specific legislation in terms of simply drafting. But I am well aware that there are some crimes, both in the United States and other countries, that are universal or extraterritorial in nature, particularly war crimes, crimes against humanity, genocide, those types of crimes.

Most crimes in the United States, in many cases, are territorial in nature. It is a crime if it is committed inside the territory or the jurisdiction, but not outside of the territory or jurisdiction. The types of crimes we are talking about here are the territorial rather than universal.

Mr. ROHRABACHER. If, for example, someone is involved in importing an organ that can be traced back to this type of criminal activity, which may not be officially criminal but a morally criminal activity, it would seem to me that we could pass legislation that would make someone an accomplice to the crime then, and the crime would be partially committed here. Wouldn't that be correct?

Mr. MATAS. Sure, importing already probably is covered by present legislation. It would be a bit of a stretch of imagination to say that somebody who actually has got the organ in their body is importing that organ. I am not sure that necessarily would fly.

Mr. ROHRABACHER. Well, but certainly the person who sold that organ and organized the transport of an organ, especially when we heard the testimony here about the length of time that a tissue is available after execution—so this is not a removed situation where you just have something in storage. You are talking about a death and then an immediate transport.

It would seem to me that someone who had made an arrangement for that transportation to the United States—and if the end product is in the United States—then what we have is a criminal activity going on that takes place on both ends of the deal.

Mr. MATAS. I would say that those sorts of ties are enough at international law to give the United States jurisdiction to enact the legislation to deal with the activity, and I think the United States would have every right to do so, given those ties.

But I am not confident the legislation right now allows the United States to prosecute for those sorts of activities. So the legislation would need to be strengthened to direct itself.

I mean, what we see in the United States and many countries is brokerages, people that will help you go over. But everything is done there; the payment is there; of course, the transplantation is there.

So the mere fact that the referral is here, and the person comes from here and then goes back here, right now, is not enough to allow the present legislation to get——

Mr. ROHRABACHER. Think very hard about the principle involved, the legal principle involved. If, indeed, right now, the standard is that we do not engage ourselves in prosecution for crimes com-

mitted in another country, there has to be some caution on the part of those of us who do believe in human rights to look at the future, even look right now—we see that our Government might some day end up doing the bidding of some dictatorship and charge someone with a crime that they have committed in China or elsewhere—on this particular issue, and a lot of things dealing with China, we should be on the side of the oppressed.

We so often find ourselves where our Government has made deals with the oppressor. That might come back to bite us. I also believe in human rights.

Mr. MATAS. I guess my answer to that is, we have to build a system of law based on the concept and principle and belief of justice. I mean, if we believe the system is not going to function, then we should have no system of laws at all.

Mr. ROHRABACHER. Right.

Mr. MATAS. But we can't build up a legal system out of fear of abuse. I think what we have to do is set in place every precaution to prevent abuse. Frankly, I think that the American system is an example or paragon of that, with its constitutional Bill of Rights and its independent judiciary and its long legal traditions and the rule of law. And I appreciate your being concerned about that worry, and indeed, that sort of concern is one of the drivers to keep the United States so admirable in its respect for the rule of law.

I would say that one has to keep those precautions in place to make sure that the rule of law is respected. But we shouldn't stop results from enacting laws. That is not an appropriate position.

Mr. ROHRABACHER. Are there any further verifications that you need to be—you say that it is already illegal for us to import body parts that are taken involuntarily.

Are there any other specific safeguards that you would have, procedural safeguards, that would be necessary, that would necessitate that?

Mr. Kilgour, looks like he wants to jump into this.

Mr. KILGOUR. One of the examples I was told about at the Boston conference is that most or many of the doctors coming from China apparently didn't spend a lot of time at the conference. They spent a lot of time with pharmaceutical companies trying to arrange to buy drugs, particularly the younger doctors, for these operations in China.

I would certainly hope that your pharmaceutical industry could be—if they can't be persuaded ethically to do it—that you could pass a law saying that they must not sell drugs to China until it is shown that their law is working.

Mr. ROHRABACHER. Do you mean drugs that would deal directly with this operation or general drugs?

Mr. KILGOUR. With the operation, organ transplants. There are a number of drugs that are used to make it easier to transplant organs, and I gather a lot of these come from the United States. That should be made——

Mr. ROHRABACHER. I am looking forward, as I said, if I am here in this spot, to working with you on specific legislation, and we can continue this dialogue.

Mr. MATAS. If I may just follow through on your question about procedural safeguards, I think that one thing that I would suggest

that should be a procedural safeguard is a duty of due diligence to make increased information about sources of organs and the use of drugs so that people cannot just turn a blind eye and say, "We didn't ask; we don't know."

Mr. ROHRABACHER. Mr. Zhang, about the Falun Gong, for those people who don't know about the Falun Gong, or are not fully aware, I have met you and others and certainly have a positive image of that.

Now, first of all, let us note, this is not the issue in dealing with the Falun Gong; it is not, are we in favor of Falun Gong or not? It is, are we in favor of freedom of religion and human rights? You know, quite often, I will meet people, and they will say, "Oh, this person is a great friend of whatever community," and I will say, "No, no, I am not a friend of that community, I am a friend of freedom and liberty and justice, and it just so happens that this community is freedom and justice."

But let me ask you something, is Falun Gong consistent with other religions? Can people who are Falun Gong also be Christians or Buddhists or other religions?

Mr. ZHANG. Well, Falun Gong, actually, as I mentioned earlier, is a traditional Chinese mind-body exercise. Even though we don't have the religious rituals that some of the religions have, it is considered a religion in the Western sense in terms of the spiritual belief and the enlightenment and cultivation of the mind for a spiritual being.

Of course, in the Far East, or in China, the Falun Gong is involved with many, you know, mind-body exercises that integrate exercise, meditation, with a mind cultivation. It is a branch of the traditional Buddhist school.

Mr. ROHRABACHER. Could someone be a Christian and also be a Falun Gong?

Mr. ZHANG. Well, certainly, we have many Americans who come from different religious backgrounds and practice this meditation.

Mr. ROHRABACHER. Well, as I said, the question isn't whether the Falun Gong is correct or whatever; the issue is whether or not people should be free to follow their destiny as they see fit as long as that is not threatening to other people—I don't understand how people in authority, how totalitarians always end up having to smash groups of people who have non-threatening beliefs, but they always seem to do that.

In China, I have been confronted quite often by people who tell me that I have got China all wrong, you know. It is not just this totalitarian society, as I have suggested quite often, and certain individuals have confronted me in saying, "Well, you know, you got me all wrong, and you have got China all wrong."

I always give them the same test, and I suggest that, well, then, publicly you should be able to move forward with a demand that the Chinese Government pull back from any suppression of people who have religious convictions. You know, if indeed China is not totalitarian—I don't ask for opposition parties, free press or freedom of speech, even, for political speech; just let people worship the way they want to worship.

You know, every time people have told me that I am wrong and I have given them that test, they almost always fail the test. They

say, "Well, we wouldn't do that." I say, "Well, it is, then, as bad as I think, because you can't even let people who are threats to no one worship in their own way."

Let me ask this, what role does the United States play? And has our Embassy in China, for example, taken action on this issue? Whoever wants to answer that.

Mr. ZHANG. The United States State Department actually had a statement on the investigation of the organ issues, but sadly, the statement was, in my opinion, incomplete.

About 2 weeks after the news of organ harvesting from Falun Gong practitioners broke out, the United States diplomats were invited by the hospital facility in China to inspect the facility. Of course, they didn't find anything. But that was, of course, an escorted, guided tour.

I think the State Department should have mentioned that this was a guided tour, and after 2 weeks or 3 weeks after the news broke out, further investigation is needed.

Mr. ROHRABACHER. Has the U.S. Embassy been helpful or have they committed acts? I mean, have they moved forward with any action on this at all? Mr. Kilgour.

Mr. ZHANG. Well, we have approached the State Department Human Rights Bureau. We were well received there, and they were very concerned and trying to be helpful. But we would like to see, some, you know, more efforts.

Mr. ROHRABACHER. More tangible efforts.

Dr. Kilgour, what about that?

Mr. KILGOUR. Well, in fact, we have met with a number of governments, executive branches. The European Union, the Parliament, as you probably know, passed a resolution that mentioned this as one of the issues it was concerned about. It was mentioned, as I mentioned, at the EU-China Summit a couple of weeks ago.

I understand the Australian Parliament, both the opposition and the government, have asked for an independent inquiry into this matter. We have met, Mr. Matas and I, in New Zealand, Sweden, Norway, Finland, Germany, United Kingdom and Belgium. I think all of these executive branches are now aware of the issue.

We are simply asking that any time you have a bilateral meeting with an Ambassador, say, here in Washington, that you raise this issue.

Mr. ROHRABACHER. But has our Embassy in Beijing taken any steps to follow through and try to see—confirm some of the documentation?

Mr. MATAS. I wonder—well, there was somebody who went to Sujiatun from the U.S. Embassy and didn't find anything that was referred to in the original statement of the ex-wife of the surgeon. But I am concerned about that visit, because at least some of the facilities, the underground facility which people can't seem to find, are there.

I mean, the Communist Party has admitted it is there. It is in the *Tianjin Daily*. I don't think it would hurt to visit that facility. But something else I would suggest that would probably be even more helpful—I was just in Geneva earlier this week, and I met with United Nations Special Rapporteur Manfred Nowak.

He has taken up this dossier, and he has asked the Government of China to answer 19 specific questions about this practice. I mean, the Chinese Government has been quite willing to address this issue, but the way it addresses it is through insults, about us, about the Falun Gong, without dealing with the substance of the report.

It would be helpful, I would suggest, if the United States Department of State and other governments were to ask the Government of China to simply answer the questions that have been posed by the rapporteur, about torture, and to deal with this issue substantively rather than rhetorically.

Mr. ROHRABACHER. Has our Embassy in Beijing asked the questions officially?

Mr. MATAS. No.

Mr. KILGOUR. I should probably add, I understand the Government of Belgium, Ambassador in Beijing, raised this issue with about 25 other Ambassadors, including your Ambassador in Beijing. I gather that it didn't get very far.

I am hoping, Mr. Matas and I are hoping, now that this report has come out, along with Rapporteur Nowak's questions, that this will cause a bit more vigor on behalf of your Ambassador and the Canadian Ambassador and on behalf of Ambassadors, their bilateral dealings, both with Beijing and the various capitals.

Mr. ROHRABACHER. Well, it is too bad, again, we don't have someone from the State Department here to add to the record with information on perhaps things that they have done or to set us straight if they have done more than what you are aware of.

But the fact that they are not here would lend a credence to your position today that the United States Government is not doing what it should do, or at least we should be doing much more than we are.

Dr. Allison.

Mr. ALLISON. One possibility that I would like to raise, it is not in terms of a direct confirmation in terms of an investigation, but it would be a review of funding streams in medical research that is sponsored by the United States Government through the National Institutes of Health (NIH) and other areas.

The question of who has the grants; are there collaborative research relationships between the United States physicians and Chinese physicians, and should there be some sort of constraints put on those funds until the question of human subjects protection in research relative to transplantation is clarified?

Mr. ROHRABACHER. Dr. Allison, that is a terrific idea. But let me note to you that we can't even get our Government to limit its cooperation in training Ph.D. candidates for physics who will be able to then build nuclear weapons when they go back to China.

If anything is more stupid, in my mind, it is for us to spend hundreds of millions of dollars in developing certain weapons technologies and having Ph.D. students from China on the scene learning everything that we are doing in our research and then being able to take that back to China to build weapons.

I know that there are others who think that such exchange programs will, in some way, transform these students, and that they will then have a liberalizing impact on China—but when you are

talking about such information, deadly information, I would tend to think that caution should be the order of the day.

If we hear someone saying that 40,000 human beings have been slaughtered in order to take their organs by a given regime, it would be incumbent upon us to make sure that, when they send some students over, or even doctors for research to cooperate, none of the information we are imparting will help in the slaughter of other human beings in order to obtain their organs. So that is a very important admonition. Again, maybe, perhaps there is something, when we work on some legislation on this, that we could put in place.

I believe that we have covered about—I may give everybody a 1-minute summary to close off the hearing.

We will start with Dr. Allison and work down.

Mr. ALLISON. Thank you very much. I am very appreciative of the Subcommittee for looking into this. I think there needs to be a number of lines of inquiry: One, of the facts on the ground and the structural inquiry, the political inquiry. The second is a structural inquiry of the relationship between the United States biomedicine, the pharmaceutical industry, and other areas which intend to do good—for obvious reasons and which benefit populations—but in fact may be ensnared, to a certain degree unwillingly, in conflicts of interest and not be willing to look carefully at these issues.

I think highlighting those dimensions would be helpful in affecting the medical culture through which some of this could be stemmed.

Mr. ZHANG. Very quickly, thank you very much for holding this hearing. I have three recommendations. The first one is this Congress could consider adopting a resolution condemning these organ harvesting practices on Falun Gong practitioners.

Secondly, this Congress could urge our Executive Branch to raise the organ harvesting issue at high-level meetings with the Chinese counterparts.

The third thing would be consideration of legislation that can ban the entry of the doctors and officials involved in organ harvesting practice. As you have found here, they should be subject to prosecution.

Thank you.

Mr. KILGOUR. I think the Olympics is probably the best fulcrum we have. China is extremely worried, I think, that its Games be a success. I think if they know that the American, Canadians, Europeans, and people around the world are really concerned about this; if we all get on the Internet and send e-mails and raise a tidal wave, and like you, Mr. Chairman, this is probably the best way to get them to stop.

I am sure we are near that point now, as I turn around, with the kinds of comments that Mr. Matas referred to that they are making—itshows, I think, that the pressure is building on them. All of us are making a difference.

I think, before very long, the order will go out in China and Beijing that this should stop. But we have all got to continue to push and push and push.

Thank you again for having the hearings.

Mr. MATAS. Yes, thank you. I was pleased to hear your commitment, should you remain in the Chair, to hold hearings to formulate legislation to come to grips with this problem. I would hope that whoever is in this Chair would hold those hearings.

In China, in repressive regimes, the people in the home country cannot speak for themselves. The victims have to rely on the international community. The international community cannot be repressed. The United States cannot be repressed. The United States and other countries have to speak for the victims in China, and we thank you for doing so.

Mr. ROHRABACHER. Well, thank you all for joining us today. I just want to remind everybody of the special role that the Americans do play in this, and we are happy that we have our Canadian friends here, and that we are a different kind of place in the United States. I guess Canada is very similar as well in that we represent every race and religion and ethnic group in the whole world.

I worked for President Reagan in the White House for 7 years. He kept reminding everybody about this special status of the United States, because our flag isn't just supposed to represent a territory; it represents an ideal. Because our Founding Fathers, when they got together to declare their independence, they did not just declare the independence of this territory from Great Britain; they declared that God gives rights to all people everywhere, and that these rights—life, liberty and the pursuit of happiness—are God given, and that the government only has the right to do what is given to it by the consent of the governed. So it is principles and ideals that are represented there, not just a territory declaring that it is no longer part of a certain government.

Then couple that with the diversity that we have of people coming here, America has a special role to play. We have got to be the champions of people throughout the world who share those ideals. Otherwise, we are nothing more than a country where people come from all parts of the world in order to make money.

Well, there is nothing wrong with making money. I am a free enterpriser. But that is not the essence of what Thomas Jefferson wrote. We hold truth to our country's ideals by standing firm and in solidarity with those people throughout the world who are struggling.

To that degree, America will be successful and will have its place in history to the degree that we cut deals with tyrants, close our eyes, or that there are interest groups in our country that are able to manipulate our own democracy in order to make money from the dictatorship—to that degree, we are not living up to our ideals.

It takes courage, it takes activism, and it takes involvement, because democracy does not work on its own. That is one of the drawbacks to democracy—you have got to get the public's attention, and you have got to make sure that the people are involved enough so that the government policies will reflect the ideals of the country. That takes a lot of work.

I am very proud of each of you for the time and effort you have put in to make sure that you have alerted us to this great challenge.

So with that said, the Subcommittee on Oversight and Investigations is adjourned.

[Whereupon, at 12:27 p.m., the Subcommittee was adjourned.]