

Response of David Matas and David Kilgour to the Chinese Government statements

August 7, 2006

The Government of China Embassy in Canada issued a first response to our Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China. A full copy of our report can be obtained at: <http://davidkilgour.ca>, <http://organharvestinvestigation.net> or <http://investigation.go.saveinter.net>. The first Chinese response was issued the same day as our report, July 6, 2006. We replied to that Chinese response shortly afterwards.

The Government of China then issued a second response dated July 26, 2006. The second Chinese statement repeats a number of criticisms which are found in their first statement. The following reaction, accordingly, incorporates our answers to the first Chinese statement.

1. The first statement of the Government of China dismissed our Report out of hand. We viewed this reaction is unconsidered. It meant that the Government of China engaged in no investigations to determine whether or not what the report contains is true.

The second Chinese statement released almost three weeks after the release of our report gave the Government of China time to delve into our report and produce any contradictory information. Yet, there is none. The second response has a good deal of invective, but no factual information which contradicts or undermines our conclusions or analysis or even casts on them a different light.

2. The sole factual quarrel the Government of China has with the report has nothing to

do with the substance of the report. The Government of China correctly noted that we placed two cities in the wrong provinces. We had indicated in an appendix that Wu Han is in Hunan when it is in Hubei and that Qin Huangdao is in Shandong when it is in Hebei. The Chinese Government blames these mistakes on our interpreter.

Yet, these errors were not interpreter errors, nor could they have been, since names are phonetically the same in Chinese and English. Moreover, as can be seen in the Report, the names are not part of the interpreted texts. Indeed, it is apparent that our interpreter knew that Wu Han is in Hubei and not Hunan because the interpreted text found in our report refers to Hubei and not Hunan.

Rather the mistakes occur in the captions. The errors are found in the introductory headings to the texts rather than the texts themselves. The errors can not be ascribed either to the interpreters or to the investigators who made the calls. The investigators gave us the cities to which their calls were made, but not the provinces. We mislocated two of those cities when expanding the captions the investigators gave us. The reason for this error is that we relied on the memory of native Chinese whom we asked to identify the provinces in which the cities are found rather than checking out this information on our own.

We had realized one of these errors on July 18th, the Qin Huangdao error, before the Chinese Government response, and had corrected our report on our website accordingly. We have now corrected the other error.

These two errors, and they are the only ones anyone has been able to identify, do not justify questioning the analysis or conclusions of the report. Indeed, in two respects they strengthen it.

One can legitimately say, if this is all that anyone, including the Chinese government, with all its resources and inside knowledge, can produce to question the facts in our

report, that our report sits on a rock solid foundation. Secondly, the practice of organ harvesting of Falun Gong practitioners is even more widespread than we had originally reported, since, through our error, we had omitted reference to the existence of the practice in Hebei province. The mistaken allocation of Qin Huangdao to Shandong Province instead of Hebei province meant that we had identified two sites of organ harvesting in Shandong province and none in Hebei province. The other site we had previously correctly identified as in Shandong province is Qianfoshan. With the correction, we now have identified one site of organ harvesting in Shandong province and one in Hebei province.

3. Both Government of China statements attribute initial reports of harvesting of organs in Sujiatun hospital to Falun Gong practitioners. Yet, the initial reports about Sujiatun Hospital did not come from Falun Gong practitioners. The initial reports originated from the ex-wife of a surgeon at Sujiatun Hospital. Neither the ex-wife nor her husband is a Falun Gong practitioner.

4. Both Chinese responses question our independence from Falun Gong. Yet, there is no factual basis on which our independence has been questioned. We are not Falun Gong practitioners. We did our report as volunteers. We were not paid for our report by Falun Gong or anyone. Our report represents our own judgment. We have not acted on the instructions of Falun Gong or anyone else in coming to the conclusions we did.

5. Both Chinese statements refer to a shifting Falun Gong narrative in consequence of a disproof of the original story about Sujiatun Hospital. Yet, the ex-wife of the surgeon who made the initial statement about Sujiatun Hospital has not changed or shifted her story at any time. David Kilgour interviewed her. An excerpt of the interview can be found at Appendix 13 of our report.

6. Moreover, though we did not rely on the testimony of the ex-wife in our report except insofar as it was corroborated by other evidence, we do not consider it

disproved. It is our own opinion, expressed in our report, that this woman was not lying. We concluded that she was credible. In our report, this is what we said about the testimony of this witness:

"The testimony of the wife of the surgeon allegedly complicit in Falun Gong organ harvesting was credible to us, partly because of its extreme detail. However, that detail also posed a problem for us, because it provided a good deal of information which it was impossible to corroborate independently. We were reluctant to base our findings on sole source information. So, in the end, we relied on the testimony of this witness only where it was corroborative and consistent with other evidence, rather than as sole source information."

Our report is not a shift from what this witness says, but rather an expansion, with a larger focus than just Sujiatun Hospital.

7. The second Chinese Government response refers to the statement of the ex-wife of the surgeon, which she made to us and which we reproduced in our report, that her husband removed the corneas of 2,000 Falun Gong prisoners in two years. The Government of China questions this figure on the basis that "he would have to finish three cornea transplantations within one day and everyday without rest" and then argues "this is an absurd lie which no one with common sense would believe".

The Government of China response confuses transplanting and harvesting. The testimony of the ex-wife was organs harvested from 2,000 people, not two thousand transplants. She did not claim that her husband was engaged in transplant surgery. The husband was, according to her testimony, removing the corneas from the eyes of Falun Gong practitioners, not placing those corneas into the eyes of recipient patients.

Harvesting surgery is, obviously, quicker than the combination of harvesting and transplanting. Moreover, corneas, unlike other organs, are dead tissue. They do not need to be transplanted immediately once harvested. They can survive on the shelf for a considerable period. We are told that a cornea harvest can be completed in ten to

twenty minutes. For an operation that length of time, what the ex-wife said about the volume of corneas harvested in two years does not does not put her testimony in doubt.

8. The second Chinese statement refers to the fact that journalists and diplomats visited Sujiatun Hospital after the initial reports had surfaced and found no evidence that the site was being used for organ harvesting of Falun Gong practitioners. We were aware of these visits when we wrote our reports, but did not mention them because we did not find them significant. We would not have expected these visitors to find anything even if the initial reports of organ harvesting from the ex-wife of the surgeon were true. An operation leaves no trace in an operating room after it is completed. Operating rooms are cleaned up, sanitized, made antiseptic after each and every operation.

9. The first Chinese statement then says: "It is obvious that their purpose is to smear China's image." We reply that we have no wish to smear China's image. Our sole concerns are respect for the truth and human rights.

10. Both Chinese statements say:

"China has consistently abided by the relevant guiding principles of the World Health Organization endorsed in 1991, prohibiting the sale of human organs and stipulating that donors' written consent must be obtained beforehand and donors are entitled to refuse the donation at last minute."

This statement was belied by the facts. The China International Transplantation Network Assistance Centre Website until April of this year set out a price list for transplants. The price list was removed from the website in April, but is still archived. To see the web site now, go to <<http://en.zoukiishoku.com>>. To see the archived site, go to

<<http://archive.edoors.com/render.php?uri=http%3A%2F%2Fen.zoukiishoku.com%2Flist%2Fcost.htm+&x=16&y=11>>. As well, many individuals can attest to paying for

organ transplants in China.

11. The statement in both responses that China has consistently abided by the principle stipulating that donors' written consent must be obtained beforehand is also belied by the facts. Human Rights Watch has reported that consent is obtained from executed prisoners in only a minority of cases. The organization writes that even in this minority of cases

"the abusive circumstances of detention and incarceration in China, from the time a person is first accused of a capital offense until the moment of his or her execution, are such as to render absurd any notion of "free and voluntary consent."

Organ Procurement and Judicial Execution in China, August 1994.

12. Both Chinese statements say:

"China has issued a regulation on human organ transplants, explicitly banning the sale of organs and introducing a set of medical standards for organ transplants in an effort to guarantee medical safety and the health of patients. The regulation requires medical institution which is qualified for practising human organ transplant to register at provincial level health department. Unregistered medical institutions are forbidden to practice human organ transplant. If the government finds any registered institution violating the regulation, it will cancel the registration and punish the people responsible."

We acknowledge that this is so, and wrote about it in our report. We also note that this legislation came into force only a few days before our report was released on July 1st. It is not an answer to our findings about what happened before that date. Moreover, in China, there is a huge gap between enacting legislation and enforcing it.

Our first reply, issued long before the second Chinese response, made this point. Yet, the second Chinese response just repeats word for word what was in their first response on this point.

It is an error to refer to a law which came into effect after the relevant period to deny that something happened earlier. When this error is pointed out to the Government of China and the Government persists in the error nonetheless, we can only conclude that this error is deliberate.

13. The Government of China wrote in its first response: "It is very clear that Falun Gong's rumour has ulterior political motives." None of our findings are based on rumour. Every finding we make is sourced and independently verifiable.

14. As well, what could the politics of the Falun Gong possibly be? They are not a political party or movement with a political agenda. The Chinese Government describes their political agenda, in its second response, as being "against everything from China" a bizarre charge, but all too typical of the hyperbole into which the Government launches when discussing this group.

15. The Falun Gong, to be sure, oppose human rights violations in China. But China is more than just human rights violations. As well, human rights are not political. They are universal. The notion of politics suggests a legitimate debate between opposing points of view. But there is no legitimate debate between respect for human rights and violations of human rights. Violations of human rights are always wrong. Respect for human rights is always right.

16. The two China responses attack us, as not independent, and Falun Gong, as an evil cult. We say that the Report has to be judged on its merits. Attacking its authors is not an appropriate response.

17. The second China response is primarily an elaboration on the "evil cult" attack on Falun Gong. The second response has eight paragraphs. Only three deal with organ harvesting. One talks about Canada Chinese relations. Four paragraphs, the bulk of

the response, are a venomous attack on Falun Gong replete with false, slanderous allegations.

It is this sort of slander which, in China, depersonalizes and dehumanizes the Falun Gong and makes possible the violation of their basic human rights. Indeed, the fact that the Government of China would make a hate filled attack on Falun Gong the focus of their response to our report reinforces the analysis of the report.

The propaganda against the Falun Gong in these two responses is a form of incitement to hatred, unacceptable in Canada. It is an abuse of their diplomatic presence in Canada for China to engage in this form of incitement.

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