

## **Organ sourcing in China: The official version**

by David Matas

*(Revised remarks prepared for a symposium, Bern, Switzerland, 16 April, 2015)*

Chinese health officials over the years have made a wide variety of contradictory statements about the sourcing of organs for transplants. The statements can not all be right. But they can all be wrong, and, in my view, are all wrong.

I could spend a very long time going through the many contradictory statements emanating out of the Chinese health system, pointing out the contradictions and incoherence. To be comprehensive on this subject would exhaust my time and your patience. So let me just give you some idea of what has been happening.

### **2001**

Wang Guoqi a doctor from the Tianjin People's Armed Police General Brigade Hospital testified before the U.S. Congress on June 27, 2001 that he helped remove corneas and skin from more than 100 prisoners. A few days after the testimony, Foreign Ministry spokeswoman Zhang Qiyue called it "sensational lies" and "vicious slander" against China. "With regard to the trade in human organs, China strictly prohibits that," Zhang said. "The major source of human organs comes from voluntary donations from Chinese citizens."<sup>1</sup>

### **2005 - 2010**

In July of 2005 Huang Jiefu, then Chinese Deputy Minister of Health, indicated as high as 95% of organs derive from prisoners.<sup>2</sup> Speaking at a conference of surgeons in the

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<sup>1</sup> John Pomfret "Rare Chinese Newspaper Exposé Details Prisoner Organ Harvests" The Washington Post, July 31, 2001

<sup>2</sup> The Congressional Executive Commission on China Annual Report 2006, p. 59, note

southern city of Guangzhou in mid-November 2006, he said: "Apart from a small portion of traffic victims, most of the organs from cadavers are from executed prisoners"<sup>3</sup>. In October 2008, he said "In China, more than 90% of transplanted organs are obtained from executed prisoners"<sup>4</sup>. In March 2010, he stated that: "... over 90% of grafts from deceased donors are from executed prisoners"<sup>5</sup>. As one can see, at some points, Huang Jiefu refers to deceased donor sources and at other points to all sources.

Shi Bingyi, a Chinese health official, said in an article posted on Health Paper Net in March 2006 that there were about 90,000<sup>6</sup> transplants in total up until 2005. The text stated, in part, in translation:

"Professor Shi said that in the past 10 years, organ transplantation in China had grown rapidly; the types of transplant operations that can be performed were very wide, ranging from kidney, liver, heart, pancreas, lung, bone marrow, cornea; so far, there had been over 90,000 transplants completed country wide; last year alone, there was close to 10,000 kidney transplants and nearly 4,000 liver transplants completed."

David Kilgour and I referred to this total and this article in our reports and book, *Bloody*

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224, p.201: "Organ Transplants: A Zone of Accelerated Regulation" *Caijing Magazine* (Online), 28 November 05.

<sup>3</sup> [http://news3.xinhuanet.com/english/2006\\_11/16/content\\_5335427.htm](http://news3.xinhuanet.com/english/2006_11/16/content_5335427.htm)

<sup>4</sup> <http://press.thelancet.com/chinaorgan.pdf>

<sup>5</sup> "Tomorrow's Organ Transplantation Program in China", Presentation delivered at the Madrid Conference on Organ Donation and Transplantation, Madrid 2010, by Prof. Huang Jiefu, Vice Minister of Health, P.R.C.

<sup>6</sup> <http://www.transplantation.org.cn/html/2006-03/394.htm>  
 (Health Paper Net 2006 03 02) Archived page:  
<http://archive.edoors.com/render.php?uri=http%3A%2F%2Fwww.transplantation.org.cn%2Fhtml%2F200603%2F394.html+%amp;x=32&y=11>

*Harvest.* Manfred Nowak, the United Nations Rapporteur on Torture, asked the Government of China to explain the discrepancy between volume of organ transplants and volume of identified sources, relying, in part, in our report and its reference to the article quoting Shi Bingyi. The Chinese government, in a response sent to the Rapporteurs by letter dated March 19, 2007 and published in the report of Professor Nowak to the UN Human Rights Council dated February 19, 2008, stated that

"Professor Shi Bingyi expressly clarified that on no occasion had he made such a statement or given figures of this kind, and these allegations and the related figures are pure fabrication."

Shi Bingyi was interviewed in a video documentary produced by Phoenix TV, a Hong Kong media outlet. That video shows Shi Bingyi on screen, wearing a military uniform, saying what the Government of China, in its response to Nowak, indicates that he had said, that the figures we quote from him he simply never gave. He says on the video:

"I did not make such a statement because I have no knowledge of these figures I have not made detailed investigation on this subject how many were carried out and in which year. Therefore I have no figures to show. So I could not have said that."

Yet, the actual source, the Health News Network article, in June 2008, remained on its original Chinese website, though it has been taken down since. The original source of the information remained available within China through the internet at the time Shi Bingyi denied the information. It is still available for anyone outside China to see through the Wayback Machine Internet Archive<sup>7</sup>.

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<http://web.archive.org/web/20060826070646/http://www.transplantation.org.cn/html/2006-03/394.html>

provides the original. The translation can be seen at

In a 2008 presentation, Chinese health official Haibo Wang states that there were 11,179 liver transplantations as of March 8, 2008.<sup>8</sup> Wang showed that there were 240 liver transplants between January 1 and March 8, 2008.

## 2010

A speech of Huang Jiefu at a 2010 Madrid conference produced, in a slide show presentation, one slide showing the number of kidney and liver transplants in China over the past decade.<sup>9</sup> He produced a second slide showing living donor vs. deceased kidney transplantation from 2003 to 2009. The second slide produced totals for living and deceased donations (non-heart beating donations - NHBD). So there were two slides which have kidney transplant totals for the period 2003 to 2009.

The figures are these:

Year	First Slide	Second Slide
2003	5,500	3,171
2004	10,000	3,461
2005	8,500	3,441
2006	8,000	3,021
2007	7,700	3,974
2008	6,274	6,274

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<https://translate.google.com/translate?sl=zh-CN&tl=en&js=y&prev=t&hl=en&ie=UTF-8&u=http%3A%2F%2Fweb.archive.org%2Fweb%2F20060826070646%2Fhttp%3A%2F%2Fwww.transplantation.org.cn%2Fhtml%2F2006-03%2F394.html&edit-text=>

<sup>8</sup> [http://www.its.org/uploads/4\\_wang.pd](http://www.its.org/uploads/4_wang.pd)

<sup>9</sup> <http://www.dafoh.org/wp-content/uploads/Huang-Jiefu-Vortrag-Madrid-2010.pdf>

2009	6,458	6,485
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The first slide shows kidney transplants for 2009 to be 6,458. The second shows the figure 6,485. There is presumably a transposition error here. However, because we cannot check the original figures, we do not know which is correct.

For 2008, the figure for both slides is 6,274. This is useful information because it shows we are not considering two different types of data.

For 2007, the figure for the first slide is 7,700 and for the second slide is 3,974. This is a significant difference, without explanation.

For 2006, the difference is also large, 8,000 for first slide, 3,021 for the second slide. Similarly for 2005, we have 8,500 for the first slide and 3,441 for the second. For 2004, we have an astonishing figure of 10,000 for the first slide and 3,461 for the second. For 2003, we have 5,500 for the first slide and 3,171 for the second.

Because, for 2007 and earlier years, for the first slide we have rounded numbers and for the second slide precise numbers, it appears that, for the earlier years for the second slide we are not looking at totals but rather a subset. The first slide, it seems, presents estimates. The second set presents, it would seem, the subtotal of reported kidney transplants which provide the necessary differentiated information to allow the construction of the second table.

The second Huang Jiefu table differentiates between living and deceased donor kidney transplants. Kidney transplant information which does not distinguish between living and deceased sources would be useless for the construction of this table. So, presumably, it was just pushed aside.

Huang Jiefu, mind you, says none of this. He just blithely presents contradictory information without explanation and hides the data sets from the public on which he based his tables.

If the analysis here is correct, then the larger totals of the first table are the better ones. The larger though the totals, the more that is needed to explain the sources.

Huang Jiefu talks, in his Madrid speech, about how organ transplantation was initially an unregulated business. He does not say this, but the overall impression he leaves is that any hospital which wanted got into the business of transplants and sold transplants to whomever they wanted, getting organs from whatever source on which they could lay their hands. It is apparent that this sort of system would not produce reliable statistics, that any information about volumes would just be estimates.

A law which took effect on May 1, 2007 required that transplants take place only in registered hospitals<sup>10</sup>. The law set up a registration system for hospitals. The statistics we see for 2008 and 2009 come, presumably, from the registered hospitals which is why we get precise figures in both slides for those years. From 2009, estimates from a hospital free-for-all became unnecessary.

Where in the world did 10,000 kidneys and 2,265 livers come from in 2004? It was not from living donors. Huang Jiefu, in his March 2010 Madrid presentation shows sixty four living donor kidney transplantations<sup>11</sup>. He also shows that living donor liver

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<sup>10</sup> Regulations on Human Organ Transplant

<sup>11</sup> Slide 19

transplantations in 2004 were .4% of total of liver transplantations<sup>12</sup>.

Another table Huang Jiefu presents is living vs. deceased donor liver transplantation. That table shows significant living donor sources starting from 2007. Living donors are 23.5% of liver transplants in 2007, 19.1% in 2008 and 13.6% in 2009. However, for 2004, living donors are a mere .4% of total donations.

Living donations, according to the Huang Jiefu text, are given to "related or kinship recipients". The Madrid presentation shows a significant increase in living donations from 2006 to 2007. There were 300 kidneys from living donors in 2006 and 1720 in 2007. 3.2% of transplanted livers came from living donors in 2006 and 23.5% in 2007. What caused this big jump?

## **2012**

The law in China allows for living donor sourcing from relatives. The State Council of the People's Republic of China Regulations on Human Organ Transplant effective as of May 1, 2007 states

"The recipient of a living organ must be the donor's spouse, lineal descent or collateral relative by blood within three generations, or they must prove they have developed a family like relation with the donor."<sup>13</sup>

The Government of China is trying to discourage sourcing from living donors, because of the risks to the donors. In an article in the China Daily, Chen Shi, an organ transplant expert with the institute of transplantation at Shanghai based Tongji Hospital, is quoted as

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<sup>12</sup> Slide 18

<sup>13</sup> Article 10

saying

"Living organ donations, which can cause health risks for the donor, should always be the last resort when no suitable organ from a deceased donor is available."<sup>14</sup>

There has been fraud in the use of living relative donor exception which the authorities have been trying to control. Identities of donors have been disguised to pretend that they are relatives when they are not. This has led to a clampdown on living donor sourcing<sup>15</sup>.

In Dongguan, doctor Zhou Kaizhang and seven others were prosecuted in August 2012 for this type of fraud. According to the Chinese Medical Doctor's Association, Dr. Zhou had performed 1,000 kidney transplants. The prosecution related to 51 kidneys transplanted between March and December 2010.

The large increase in live donations from 2006 to 2007 may be the product of the corrupt black market system which in theory China is trying to discourage. Alternatively, the Chinese health system may have begun or increased the classification of prisoners killed through organ harvesting as live donors as a way of disguising the suspiciously large number of dead donors.

In an interview dated September 18, 2012, then Deputy Health Minister Huang Jiefu stated that 65% of organs come from prisoners and 35% from living donors<sup>16</sup>. He added that live donations should be a last resort and not advocated. Living donations can cause

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<sup>14</sup> [http://www.chinadaily.com.cn/china/2011\\_11/07/content\\_14046100.htm](http://www.chinadaily.com.cn/china/2011_11/07/content_14046100.htm)

<sup>15</sup> [http://www.theepochtimes.com/n2/china\\_news/chinas-organ-trafficking-crackdown-increases-forced-organ-harvesting-288008.html](http://www.theepochtimes.com/n2/china_news/chinas-organ-trafficking-crackdown-increases-forced-organ-harvesting-288008.html)

<sup>16</sup> <http://6d.dxy.cn/article/29049>

damage to healthy donors and violates the "no harm" principle of medical ethics. Chinese medical insurance does not provide long term coverage to donors for complications from living donor transplants.

He noted that a living donor black market has emerged, inducing the poor to sell organs to wealthy people willing to pay high prices. This practice, he added, violates the principles of health care reform. The Ministry of Health issued a policy directive that live organ donor transplants must be approved by a provincial health department.

## **2013**

Another statistical glimpse came from an article published by six Chinese authors including Haibo Wang in August 2013 titled "Liver transplantation in mainland China: the overview of CLTR 2011 annual scientific report".<sup>17</sup> The actual report is not publicly available and not cited in the article. The article has neither footnotes nor endnotes. It cites three references, all foreign.

The article makes no reference to sourcing of organs from prisoners. It distinguishes between sources as either China category donors or non China category donors. The article defines the China category in this way:

"The classification was designed to be consistent with international classification standard for deceased organ donation and respect the current cultural and societal value of Chinese people."

The "current cultural and societal value of the Chinese people" is a euphemism for Communist Party values.

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<sup>17</sup> <http://www.thehbsn.org/article/view/2604/3487>

The article states that 42.98% of the donors were deceased after circulatory death (DCD). In response to a query from a reader, the authors replied that

"The organ donation from death penalty prisoners with informed consent from prisoners themselves and their family is currently allowed by Chinese policies. Medically and scientifically, it was classified as the uncontrolled donation after circulatory death (DCD) in the scientific reports." <sup>18</sup>

The Government of China in March 2010 set up an organ donation system in 11 provinces and municipalities which has since expanded. This system is limited to deceased donation. It does not contemplate living donation.

Huang Jiefu gave a press conference in May 2013 at the Health Ministry Office Beijing stating that China is phasing out its reliance on executed prisoners for donated organs, but that ingrained cultural attitudes were impeding the rise of donations. He noted that Chinese have traditionally held that a person's body should be interred intact, and while such attitudes are gradually changing, they remain strong among older Chinese. He added that China is a Confucian society. It's strongly hierarchical and the family's concerns usually trump those of the individual. An objection from even one family member can block a donation.<sup>19</sup>

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<sup>18</sup> Hepatobiliary Surgery and Nutrition. [www.thehbsn.org](http://www.thehbsn.org) Hepatobiliary Surg Nutr 2013;2(6):309-310  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3924652/>

<sup>19</sup> Cultural attitudes impede organ donations in China, 18 May, 2013, Associated Press in Beijing at  
<http://www.scmp.com/news/china/article/1240460/cultural-attitudes-impede-organ-donations-china>

### **Reconciling figures from 2008, 2010 and 2013**

The difficult of reconciling figures becomes ever greater each time new figures are released. The figures in the August 2013 article are not consistent with the figures in the Madrid 2010 speech and, again because the sources are not available, there is no way of determining which of the contradictory figures is right.

If one compares the Haibo Wang statement in 2008 that there were 11,179 liver transplantations as of March 8, 2008 with his 2013 article, with its total of 20,877 transplants up to and including 2011, we can calculate that there were 9,698 transplants between the two dates. Yet, the 2013 article shows that the total liver transplants for 2008 to 2011 was 8,588.

So the two figures show a discrepancy of 1,350 transplants, a large number. How do we explain the discrepancy? Without access to the original figures, an explanation is impossible.

Huang Jiefu in Madrid in 2010 said that there 16,961 liver transplants in China from 1993 to 2009. The 2013 Haibo Wang article shows a total of 20,877 liver transplants performed from 1980 to 2011. The difference between the two figures is 3,916. The 2013 article shows the liver transplants for 2010 to be 2,171 and for 2011 to be 1,897, for a total of 4,068. So there is a difference between the two presentations of 152 transplants. There is no explanation for this difference.

Inconsistency is more the rule than the exception. The year by year comparison for the volume of liver transplantations in the three presentations is this:

Year	Haibo Wang 2008	Huang Jiefu 2010	Haibo Wang and
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			others 2013
2000	165	179	179
2001	277	297	294
2002	585	638	624
2003	1,076	1,160	1,164
2004	2,023	2,265	2,246
2005	2,794	3,018	2,970
2006	2,448	2,853	2,795
2007	1,469	1,944	1,910
2008		2,334	2,291
2009		2,181	2,229

The figures in the three presentations did not coincide, not even once. Two of the three presentations produced the same figure only one year, 2000. It may be that the registered reporting hospitals are constantly revising their data. Yet, the figures do not consistently increase from earlier to later data. Why registered hospitals would be revising reported data downward, if that is what is happening, is not clear.

## 2014

In 2014, the authorities stated that they were going to shift from prisoners to donors as sources of organs by classifying executed prisoners as donors and incorporating them into the donation system. Huang Jiefu in March 2014, stated:

"we will regulate the issue [inappropriate handling of organ donations from executed prisoners] by including voluntary organ donations by executed prisoners in the nation's public organ donation system<sup>20</sup>

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<sup>20</sup> Shan Juan "Govt seeks fairness in organ donor system for inmates" China Daily USA, 2014 March 07

He added:

"Judicial bodies and local health ministries should establish ties, and allow death row prisoners to voluntarily donate organs and be added to the computer organ allocation system"<sup>21</sup>.

Lest there be any doubt about what he meant, he elaborated on March 4, 2014 more specifically when asked about the commitment of the leaders of 36 transplant centres to stop sourcing organs from executed prisoners<sup>22</sup>. Huang Jiefu stated that the commitment from these 36 transplant centres

"is not about not using organs from executed prisoners, but not allowing hospitals or medical personnel to engage in private transactions with human organs."

Huang Jiefu made this statement before the publication of the names of the 36 centres in April 2014<sup>23</sup>, thus preventing the public from getting the mistaken impression that these 36 centres were actually going to stop sourcing organs from prisoners.

Huang Jiefu in this interview added:

"Executed prisoners are also citizens having the right to donate organs. We are not against organ donation of prisoners which would deprive them of this right. ... Given the willingness of death row prisoners to donate organs, once entered into our unified allocation system then they are counted as voluntary donations of citizens. The so called death row organ donation doesn't exist any longer."

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<sup>21</sup> Matthew Robertson "Top Chinese Transplant Official Says There's No Plan to Stop Using Prisoner Organs" Epoch Times, April 11, 2014

<sup>22</sup> [http://news.china.com.cn/2014lianghui/2014-03/05/content\\_31674589.htm](http://news.china.com.cn/2014lianghui/2014-03/05/content_31674589.htm)

<sup>23</sup> "China organ donation and transplantation update: the Hangzhou Resolution" Authors: Huang JF, Zheng SS, Liu YF, Wang HB, Chapman J, O'Connell P, Millis M, Fung J, Delmonico F, Hepatobiliary & pancreatic diseases international: HBPD INT. 13(2): 122-4, April 15, 2014.

So, one should not be under the impression that China category donors are voluntary donors. They include prisoners killed for their organs. The difference is just that China category donors are prisoners whose organs are sourced through the regulatory system Huang Jiefu runs and excludes organs sourced from prisoners outside that system.

The China category donors have increased as a percentage of total donors over the years, starting from nothing in 2005 to 4.53% in 2011. Living donors for 2011 were 4.90%. So, deceased donors altogether were over 95%. Deceased donors which were not China category donors were over 90%.

A China Daily USA report further makes it clear that the change was not ending sourcing from prisoners but rather integrating prisoner sourcing into the donor system. The news outlet in March 7, 2014 reported:

"China is set to further strengthen the regulation of organ donations from executed prisoners and integrate it into the existing public voluntary organ donation and allocation system, according to a political adviser close to the situation.

Huang Jiefu, director of the China Organ Donation Committee and former vice-minister of health, made the remarks on Tuesday on the sidelines of the ongoing two sessions.

'By doing that, organs from death-row inmates used for life-saving operations are secured in a fair, transparent, and corruption-free manner, ... we will regulate the issue by including voluntary organ donations by executed prisoners in the nation's public organ donation system to help ensure an open and fair practice ... China is gradually moving away from a long-term reliance on executed prisoners as a major source for organ donations.' He [Huang] expects that procedures that include the procurement and allocation of organs from inmates who have been executed will be integrated into the national system soon. 'We've reached consensus with the

legal and law enforcement departments on that,' he said.

To ensure that donations are voluntary, written consent from the inmate and the family is required, he said.

Another source who didn't want to be named but is close to the situation said written consent from the executed prisoner's lawyer will be added as well.

Also, only designated organ procurement organizations will be allowed to approach law enforcement departments regarding the issue, Huang said.

Most importantly, 'donated organs from executed prisoners will be put into a computerized system to ensure fair allocation', he said. 'Any organ donations, including those by executed prisoners, have to go through the system and the computerized allocation process,' he added. <sup>24</sup>

## **2015**

The year 2015 brought yet a new version of the sourcing of organs. This time round the health authorities reverted to the version of the events they presented in 2001 when Wang Guoqi testified before Congress. The current official version, now again, is that all organs come from donations and that none comes from prisoners.<sup>25</sup> There are a number of striking features of this shifting back in explanation for sourcing to donors.

### **Ignoring the past**

1. Although the current official version acknowledges that there was sourcing from

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<sup>24</sup> Shan Juan "Govt seeks fairness in organ donor system for inmates" 2014 March 07, China Daily USA

<sup>25</sup> Zhao Hong Wu Ning, "China's Organ Transplant will step into the world" 2015 January 18 CN-Healthcare; Xinhua "Voluntary organ donation surges", March 13, 2015; NetEase "Huang Jiefu: The use of organs of death row prisoners is an embarrassing page in history" March 3, 2015.

prisoners in the past, there is no acknowledgement that these officials endorsed the relabelling of this sourcing as voluntary. In the current spate of interviews and articles, Huang Jiefu said:

"In order to attempt to provide organs to the most medically suitable candidate, there has been discussion to allocate these organs transparently in the established computerized allocation and matching system. We do not support the proposal to include prisoners in the voluntary citizen based allocation system, rather we support the complete cessation of utilizing organs from executed prisoners."

Of course, as one can see above, Huang Jiefu did exactly that, support the proposal to include prisoners in the voluntary citizen based allocation system. If he had said he had changed his mind, we might wonder whether the change is real. When he said that he never had that view, though he plainly did, one would have to be gullible to put much faith in his statement of his current beliefs.

2. There is no willingness to disclose and be held to account for the past. In one interview, Huang Jiefu is asked:

"Have you actually been involved in obtaining organs from executed prisoners?"

His answer is

"I hope that I can lead people to flip this page over as soon as possible and look at now."<sup>26</sup>

In the same interview he says:

"So, we shouldn't always dwell in the past, always concerned about the page of death row inmates. Flip over the page and look at the future. ... We should pay attention to the future, not the past."

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<sup>26</sup> NetEase "Huang Jiefu: The use of organs of death row prisoners is an embarrassing page in history" March 3, 2015.

"Do not always look at the past embarrassing page, do not cling to the past."

The best indicator for future abuse is impunity for past abuse. The notion that we can just ignore past crimes and all will be right is a denial of the human experience.

## **A transition**

3. Current explanations waver between saying that the transition is complete and that it is partial.<sup>27</sup> In the Wall Street Journal article of March 2015, Huang Jiefu is quoted as saying that "donations - i.e. those not originating from executed prisoners - now account for 80% of the transplant operations in the country." That is to say sourcing from prisoners accounts for 20% of the transplant operations in the country. At a transplant volume of 10,000 a year, that means that 2,000 organs a year are now coming from prisoners.

4. The shift from prisoners to donors seems to be meant to be a gradual transition rather than an abrupt change. At a press conference in March 11, 2015, Huang Jiefu "Our policy is to use as few executed prisoner organs as possible".<sup>28</sup>

In an article published in the Chinese Medical Journal, January 20, 2015 Huang Jiefu and others state:

"Before we establish a system of organ donation after citizens' death, if we brutally

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<sup>27</sup> Olivia Geng and Fanfan Wang, Reuters, "China Sheds Light on Organ Donor Program" Wall Street Journal, March 12, 2015; Jiefu Huang and others "Voluntary Organ Donation System Adapted to Chinese Cultural Values and Social Reality" Liver Transpl 21:419-422, 2015

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<https://docs.google.com/document/d/12a6Z9gRSUnXOweJ7D1Kix1HOjhcP0TKAd7UJ9OI7qNw/edit?pli=1>

interrupt the source of organs from executed prisoners, it would inevitably lead to loss of lifesaving hope for many of patients with organ failure. ... China's organ donation and transplant system are still a newborn baby who is in need of a gradual process of growing up.... There is still a long way to go."

If one considers this article, it is not clear what, if anything, changed on January 1st, 2015.

This notion that "if we brutally interrupt the source of organs from executed prisoners, it would inevitably lead to loss of lifesaving hope for many of patients with organ failure" is ethically abhorrent. Healthy people should not be killed for their organs so that sick people can live. Even if one puts aside the evidence that the predominant number of prisoners killed for their organs are prisoners of conscience, primarily Falun Gong, it is impossible to extricate the huge money being made from organ transplants from the imposition of the death penalty.

### **The nature of the change**

5. Though it is not expressed quite this way, it seems that what is going on is that there are now two systems operating in China, a donation system and a non-donation system. The non-donation system sources organs virtually exclusively from prisoners. The donation system also sources organs from prisoners, but in a different way. For a prisoner organ to access the donation system, the prisoner and his family have to comply with donation system procedures.

In an interview published on the China Economic Net March 4th, Zhuang Yiqiang, Deputy General Secretary of the China Organ Development Foundation and Deputy Secretary of the Chinese Hospital Association was asked this question and gave this answer:

"Beiqing Bao (Journalist): I remember that at the second instance court of the

'Fudan University poisoning case', the defendant Lin Senhao said in court that, in case he finally cannot avoid death, he will donate his organs. However, from January 1, China banned the use of organs from executed prisoners. Can his last wish be achieved?

Zhuang Yiqiang: Either death-row prisoners or ordinary people, all have the right to freely decide whether to donate organs or not. Death-row prisoners are also human beings. If he or she is willing to donate organs after death, of course, he or she should not be discriminated by the society. But the condition is, it must be 'voluntary'. Undoubtedly, Lin Senhao's commitment is made under the glare of the public eye, under circumstances without any external pressure. However, according to rules relevant to this issue, in addition to the own will of organ donors, written consent must be obtained from all immediate family members. Even if one relative disagrees, the donation cannot be done. So, it is still unknown whether Lin Senhao can successfully donate his organs."<sup>29</sup>

6. One has to wonder operationally how different organ sourcing of prisoners is now from what it always was. The 1984 law did not allow for sourcing without consent in all cases, but rather in only those cases where the family could not be found or once found did not collect the bodies.<sup>30</sup> A prisoner once dead is in no position to say he or she did not consent. Families of prisoners, sometimes realistically, sometimes because no real effort is made, are not always found.

How does one test an assertion by the authorities that the prisoner, now dead, has consented? Will the authorities refuse to source the organs from a prisoner whose family members can not be found? In the many questions asked Huang Jiefu in the avalanche of

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<sup>29</sup> [http://big5.ce.cn/gate/big5/wap.ce.cn/szsh/201503/04/t20150304\\_4719641.html](http://big5.ce.cn/gate/big5/wap.ce.cn/szsh/201503/04/t20150304_4719641.html)

<sup>30</sup> Article III.

interviews about his claim of change in policy, that one has been omitted.

7. What health officials now call a donation system is, in reality, a purchase and sale system with hospitals as brokers. Patients pay large sums for organs. The families of potential donors near death are offered large sums so that the potential donors and their families will consent to the donation.

About the money patients pay for purchase of organs Huang Jiefu says this:

"First of all, transplantation is an expensive operation; currently our social medical insurance does not cover organ transplantation. Transplantation belongs to high-end medical service, and not all patients can afford such operation and the postoperated medical expenses,"

About the money families of donors receive for the donation of organs, Huang Jiefu says this:

"In the United States and other countries, the decision to donate relieves the family of the potential donor of any further financial risk. This removes a significant barrier to the contemplation of organ donation for the family by removing any financial disincentive for making the decision to donate a loved one's organs. In these countries, the donor processing and charges for procurement are passed to the recipient with the government health care system as a financial backstop. In China, ... [a] fully funded social security network is not in place; thus, the decision of a family to donate would burden them with further financial obligations. financial system had to be put in place that would offset the charges from the hospital with respect to organ donation. In the transition from the pilot program to the national program, for donor families with the financial burden, China adopted a humanitarian assistance system featuring the spirit of fraternity and reciprocity. This system recognizes both the altruistic nature of the gift by recognizing the

donor in a public manner and the financial burden from the decision to donate a family member's organs, which may encumber the family. The financial burden may be significant, especially in light of the median income in China."

In an interview Huang did with Sina online service on March 3, 2015, he said:

"It is impossible for the organs from death-row prisoners and the organs donated by citizens to exist in the one and the same system. If our organ donation system is like that, people will not trust it; they will be afraid that the system is unjust and not transparent. Poor people donate organs and rich people have the right to be transplanted. I agree with the view elaborated by the 'Global Times' commentary, 'respect the death-row prisoners, and there will be more healthy people to participate in donation'".<sup>31</sup>

The comment "Poor people donate organs and rich people have the right to be transplanted" encapsulates the brokerage system hospitals are running in claimed replacement of the prisoner system. The funding the health system gives to the cajoled surviving relatives of those near death has to be more than just financially neutral for the distinction between rich and poor to make a difference. Dr. Jay Lavee reports that these payments are large, "some equivalent to twice the annual income of the family".<sup>32</sup>

8. The explanation Huang Jiefu gives for a claimed increase in donations, the transition of sourcing of organs away from prisoners, is not plausible. It seems unlikely few, if any, donors would be motivated to donate for the sole reason that organs through the

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<sup>31</sup> "China's Organ Transplant will step into the world" 2015 January 18 CN-Healthcare

<sup>32</sup> "In the Spotlight: Bleaching Organ Procurement Crimes in China" ISHLT Links February 2015 Volume 6, Issue 10  
[http://www.ishlt.org/ContentDocuments/2015FebLinks\\_Spotlight.html](http://www.ishlt.org/ContentDocuments/2015FebLinks_Spotlight.html)

donation system come only from prisoners who have ostensibly met the criteria of voluntariness the system imposes.

Huang Jiefu not that long ago said that cultural inhibitions prevented substantial donations. What happened to those inhibitions?

I suggest that the increase in donations comes from the aggressive lobbying by the Red Cross of family members of those near death along with the promise of payment of large sums of money. Huang Jiefu said:

"Why did they do that [donate] it's because our organ donation system is transparent. Will people be willing to put their organs together with organs sourced from executed prisoners? ... 'China Youth Daily' did a poll in 2014 and surveyed 43,000 people. The survey participants included the elderly, the middle aged and the young people. The results showed that 45% of people were willing to donate, another 45% were unwilling to donate and the other 10% did not provide an answer. We then asked these 45% of people who did not want to donate about why they did not. Among these people, 64% expressed that they felt the current donation system was not open, transparent and sunny, especially that it was mixed with organs from executed prisoners. So what do we do now? The first thing is to abolish the use of organs from executed prisoners. I think there will be a large number of people who start to trust us. The two cannot mix together."<sup>33</sup>

Is this a push poll? We would have to see the questions to determine that. 64% of 45% is 29%. Giving a reason why not to donate which is politically acceptable is not the same, in any case, from actually donating.

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<sup>33</sup> NetEase "Huang Jiefu: The use of organs of death row prisoners is an embarrassing page in history" March 3, 2015.

## **Change and the rule of law**

9. The reason for the change in 2015, at least according to Huang Jiefu, is political direction from the Communist Party of China. Huang Jiefu in an interview states

"From January 1, 2015, under the call from the Communist Party of China Central Committee on the spirit of the rule of law, China has fully stopped using organs from executed prisoners."<sup>34</sup>

This statement of course contradicts the Wall Street Journal article that 20% of organs still come from prisoners as well as the statements that prisoners can donate their organs.

The suggestion that the direction to change comes from the Communist Party Central Committee may well be real, but the motivation that Huang Jiefu attributes to the Party, that the change was effected to conform to the rule of law, is farfetched. The rule of law means, amongst other things, an independent judiciary which could potentially hold the Central Committee of the Communist Party to be violating of the law. No such possibility exists in China now.

When the Party acts, its motivation is political, not legal. Politically the Party now sees it to its advantage to proclaim that organs came from donors. That, of course, was the motivation for the claims from the Party in 2001 to proclaim that organs come from donors. It seems that the Party now feels that its various shifts in policy and law, which do not apply to the Party, as well as cover up in data sourcing allows it to revert to its original fable.

Huang Jiefu is right to this extent. Organ transplant abuse can exist only insofar as there is rule of law in China. Yet, it is unrealistic to expect there to be the rule of law in the

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<sup>34</sup> NetEase "Huang Jiefu: The use of organs of death row prisoners is an embarrassing page in history" March 3, 2015.

transplant sector if the rule of law does not apply to the Communist Party of China, which directs the government generally and the transplant sector in particular.

10. When Huang Jiefu talks about rule of law, he is really talking about something else. But what is that something else? What he seems to be referring to is organ sourcing being done by the system he controls, that a particular set of rules on organ sourcing be followed by a particular set of hospitals.

Huang Jiefu, in an interview by Phoenix Television posted on ifeng. net on January 11, 2015, said:

"When we did that announcement [that organs from death row prisoners would, as of January 1, 2015, no longer be used in the country's transplantation system], it was a requirement that the 169 hospitals with transplant centers in China follow the rule of law. That is to say, from January 1, 2015, those 169 hospitals are no longer allowed to use organs from prisoners."<sup>35</sup>

11. Huang equates announcement of a policy or law with its enforcement. Yet, he acknowledges that the law has not been respected in the past. He seems to assume that the law and policy will be respected now because it is a better law and policy.

This form of analysis ignores what drove abuse in the past, the demand for organs, greed, the ready availability of organs without payment to the sources or their families and the dehumanization of the prison population, Falun Gong in particular. None of this changes with the new law and policy. No donation system, no matter how effective, could possibly match the huge demand for organs.

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<sup>35</sup> Matthew Robertson "Double Speak Governs China's Transplant Policy" Epoch Times, January 13, 2015.

Huang says in an interview with the internet company NetEase on March 3, 2015:

"Using organs from executed prisoners for organ transplant is before the establishment of the voluntary organ donation system. It is a very helpless expediency. As long as there is the donation system, doctors will never use it (organs from executed prisoners). Because we need to save lives, to rescue another life, so only when there is no other way will we turn our sight toward using organs from executed prisoners. In fact, the state has very strict laws about using organs from executed prisoners. The laws regulate that using organs from an executed prisoner must obtain consent from the person's family members. Actually the organs are actually donated by the executed prisoner.

However, our country is very big, the economic development varies among places. At the same time, the enforcement of local laws is also uneven."

If enforcement was uneven before the shift away from a policy of sourcing of organs from prisoners, it would presumably remain uneven after the shift. The shift itself would not make enforcement even.

As well, doctors may well not use organs from prisoners if there are donated organs available. However, the mere fact that there is a donation system, when there are not enough organs to meet the demand for organs, is not in itself sufficient to shift doctors and patients away from organs sourced from prisoners.

12. There is a refusal to repeal the 1984 law which allows sourcing of organs from prisoners without consent. In one interview, Huang Jiefu is asked this question and gave this answer:

"Reporter: There are a lot of comments mentioning an interim provision, the "Provisional Regulations on the Use of the Death Penalty Criminals or Cadaveric Organ of the Body of Criminals," enacted in 1984. This provision has not been

abolished even now.

Huang Jiefu: Look to the future, the 1984 document is not a law, this provision is a secret, and I have not seen it before, why are you able to see it? That is not the law, at the state open level, on the government level, there has never been an acknowledgement that the use of organs from executed prisoners is legal, it is an embarrassing page, it is drinking poison to quench one's thirst, it is expedient. Now we have the sunny system, why do you always want to abolish something Who admitted the 1984 document?"

The 1984 law is not, of course, secret. It was secret in 1984 but made public in 1990. It can be seen on the internet both in Chinese and English. The law was enacted by the Supreme People's Court. When Wang Guoqi testified in Congress in 2001, both the Chinese and English versions of the regulation were provided to Congress. The two versions are attached to his testimony and can be seen at this link:

<http://web.archive.org/web/20101205050519/http://www.foreignaffairs.house.gov/archives/107/73452.pdf>

The Chinese version of the law is found at page 50 of the linked text. The English version is found at pages 51 to 53.

There are two possibilities here. One is that Huang Jiefu is lying, that he knows that the law is public. The other is that Huang Jiefu is telling the truth, in the sense that he does not know that the law is public. Neither possibility gives us much confidence.

Even if Huang Jiefu does not know of the 1984 law, one can rest assured that other doctors who have been harvesting organs from prisoners and continue to do so are aware of that law. Huang cannot realistically hope to stop the sourcing of organs from prisoners

while a law in place allows for it.

## **Military hospitals**

13. What is striking about all these various interviews and statements in 2015 is not only what is said which is unexplained, confused or self contradictory. It is also what is not said.

Military hospitals in China are an important source of organs from prisoners. The health system Huang Jiefu controls does not direct the military. About military organ transplant abuse Huang says nothing.

For our book *Bloody Harvest*, David Kilgour and I were able to garner useful information about transplant volumes from the China Liver Transplant Registry in Hong Kong.<sup>36</sup> After our work and reference to the data on this Registry became public, the China Liver Transplant Registry shut down public access to statistical aggregate data on its site. Access is available only to those who have a Registry issued login name and password.

There remained for a while some information still publicly accessible after that, including the names and location of transplant hospitals reporting to the registry. That listing showed that military as well as civilian hospitals were reporting. The registry listed 35 national hospitals including 9 military and 45 provincial hospitals including 11 military.<sup>37</sup> After I quoted this information in public presentations, access to this sort of information was also shut down.

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<sup>36</sup> Liver Transplant Registry, [www.cltr.org](http://www.cltr.org), Queen Mary Hospital, The University of Hong Kong, Hong Kong

<sup>37</sup> <https://www.cltr.org/en/transplantcenters.jsp>

There is no reason to believe that these numbers have changed. Moreover, the military hospitals, though only 25% of the total number of transplant hospitals, have done a disproportionately large number of transplants because of their easier access to prisons and organs from prisoners. There is nothing in the announcement of policy change which indicates that it affects these military hospitals.

14. It seems that Huang Jiefu expects that the military hospitals will stop sourcing organs from prisoners because he is setting a good example which they will follow. According to an article in China Daily in August 2013,<sup>38</sup> Huang Jiefu noted that some hospitals have applied to perform transplants free from organs from death-row prisoners and expected others "to follow suit ... Young transplant surgeons should consider where the practice is headed in the future".

### **The numbers**

15. Huang Jiefu extols transparency, claims there is transparency now and attributes an increase in donations to the existence of this transparency. He seems to equate transparency with the announcement of the decision that there will no longer be sourcing of organs from prisoners. Yet, that putative reality is not the same as transparency.

Here are some quotes from him:

"(If we say that) the transparent system of donations is mixed with the untransparent system of using death row prisoner organs, then there will not be such a system. People will not believe this system."

"Why did they do that [parents who donated a son's organs] It's because our organ donation system is transparent. Will people be willing to put their organs together

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<sup>38</sup> Shan Juan "New system for transplants to be implemented" 2013 August 17

with organs sourced from executed prisoners"

"Why do we rely on death row inmates for organs, and why over the years the number of organ transplant cases was just around thousands it's because the system is not sunny and transparent, so organs are always in shortage and people could never get high-quality organ transplant services."

"our people begin to believe this sunny and transparent donation system, so the number of donation is increasing."<sup>39</sup>

A reporter asks Huang Jiefu:

"Speaking about advocating citizens to voluntarily donate organs, in fact, a big reason that holds them back in the past is that they are worried about the openness and transparency of the system. How do we ensure the openness and transparency?"

Huang Jiefu gives a very long answer but does not address the question.

The experience endured with the Liver Transplant Registry in Hong Kong mentioned earlier, first shutting down access to aggregate data once David Kilgour and I cited it and then shutting down access to listing of hospitals reporting transplants once I cited that, is part of a long story set out in *Bloody Harvest* and other texts which would take me too far afield to set out here. In a nutshell China transplant history has been marked by progressive cover up, denying and destroying all data which manifest organ transplant abuse. The Chinese transplant system has become overtime increasingly opaque.

16. In recent interviews, Huang Jiefu does occasionally throw up figures about donations, but there is no way of determining whether the figures are accurate. The figures, as one might expect, are all over the place.

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<sup>39</sup> NetEase "Huang Jiefu: The use of organs of death row prisoners is an embarrassing page in history" March 3, 2015.

At one time, Chinese health officials said that the numbers needing transplants in China were 1.5 million. That number was later revised downwards to 300,000. It was in this year revised downward yet again to 22,000.<sup>40</sup>

The website Yibada reports:

"China's former vice-minister of health Huang Jiefu claimed that the demand for organs in the country is just twice and not 150 times more than the supply, contrary to reports in the past years. Currently, around 22,000 patients are on the organ transplant waiting list, with 10,000 to 12,000 organ transplant operations expected to be made in 2015. ... China's Ministry of Health reported in 2012 that around 1.5 million people in the country need organ transplants. Huang disputed that number and said that only around 300,000 out of those are in real need of a transplant, since some of them are not suitable for surgery, such as liver cancer patients."

The figure of 22,000 on a waiting list for a system Huang Jiefu control does not mean, as Huang suggests, that there are only 22,000 patients who need organs. It suggests rather that the vast bulk of those who need organs are going elsewhere, not using Huang's system. Given the large numbers in China of those who need organs and the tiny demand directed to the system Huang controls, that system seems to be quite unpopular. Are those not on Huang's waiting list buying organs of prisoners from military hospitals?

17. The new figures on donations are not accompanied by new figures on total transplants. Xinhua news agency reports:

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<sup>40</sup> Cesar Tordesillas "China Able to Supply Half of Organ Demand for Transplantation" Yibada March 11, 2015  
<http://en.yibada.com/articles/18537/20150311/organ-transplant-organ-donation-chinese-patients-chinese-organ-donors.htm>

"Nearly 1,000 body parts were donated by 381 citizens in the first two months of this year, which is double the number donated during the same period in 2014,' said Huang Jiefu ... According to the RCSC [Red Cross Society of China] department in charge of organ donation, 29 provincial organizations have been set up nationwide with 35,290 registered voluntary donors. The number of successful cases of organ donation reached 3,188 by March 1, saving 8,866 patients with organ failure.

The department said last year alone China had nearly 1,700 donation cases and completed 5,000 organ transplants."<sup>41</sup>

If we assume transplant volume in 2014 was 10,000 as in previous years, 5,000 organ transplants would represent 50 % of the total. If we extrapolate 1,000 transplants for the first two months of 2015 (the figure Huang Jiefu gave) for the whole year, we get 6,000 transplants, 60% of the total. There is no connection between these figures and the claim that donations now represent 80% of total transplants.

18. Another reason Huang Jiefu gives for the shift to what he euphemistically calls donations is the decrease in death penalty numbers. He attributes the need for the shift to the fact that "executed prisoners became fewer and fewer".<sup>42</sup>

The question this explanation poses is, why has the Chinese transplant system, given its murderous history, not just increased organs from prisoners of conscience? One explanation is that, as the death penalty numbers become smaller it becomes harder to

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<sup>41</sup> "Voluntary organ donation surges" Xinhua, March 13, 2015

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<https://docs.google.com/document/d/12a6Z9gRSUnXOweJ7D1Kix1HOjhcP0TKAd7UJ9OI7qNw/edit?pli=1>

pretend that prisoner organs are coming from death penalty cases. Even though China does not publish death penalty statistics, it is apparent from a number of different indicators that the death penalty in China is decreasing significantly. At some point, apparent death penalty figures, even without death penalty statistics, become so small that the pretence of prisoner sourcing solely from death penalty prisoners that is no longer credible even to the most gullible observer.

Does the shift from prisoners to what Huang calls donors mean that the killing of prisoners of conscience for their organs is at least abating? That, of course, depends on the reliability of his figures, something about which it is impossible to be sure in the present state of non-disclosure. What may be shifting is not so much the sourcing from prisoners to donors as the cover for organ transplant abuse from prisoners sentenced to death to donors. Only with full transparency will we know which of these is the reality.

### **Wilful blindness**

19. Huang Jiefu makes an artificial distinction between those who harvest organs and those who transplant and claims that those who transplant harvested organs are more innocent than those who harvest them. In an interview with Phoenix TV posted in January 2015 on their website ifeng.com, Huang was asked these questions and gave these answers.

"Reporter: Minister Huang, have you ever taken organs from executed prisoners?

Huang: I said I went there once, but I was not the one who did the extraction. But after that one time, I did not want to go again. I am a doctor. Doctor has a moral bottom line, which is respecting life and helping the sick. This must be done in sacred places, otherwise, it is against the moral bottom line of a doctor.

Reporter: Do you remember which year was it?

Huang: 1994.

Reporter: Was that the first year you did human organ transplant?

Huang: First year. Because organ transplant is divided into two teams. One is the donor team, who extracts the organs. One is the recipient team, who transplants the organs.

Reporter: You?

Huang: I am in the recipient team. I've never been in the donor team. But I did go once to see how they do it. So, I have only been there once. After that time, I never wanted to have anything to do with the donor team. But I feel that I need to change it.

Reporter: When you help the recipient, you think it is saving a life. But do you try not to think about the donor?

Huang: Majority of the transplant surgeons feel helpless. On the one hand, you face the patient who has a failing organ. As a doctor, you have the technique and responsibility to save people. But the other side of the story, when you think about the organ source, you feel helpless."<sup>43</sup>

In criminal law, there is a term for this sort of behaviour. It is called wilful blindness. A person who commits a criminal act and is wilfully blind is as guilty of a crime as a person who commits the act with full knowledge.

Huang said he felt helpless. But he was not helpless. He could have said "no" to participation in organ transplantation using an organ from an improper source. If Huang truly "never wanted to have anything to do with the donor team" then he should have stopped transplanting. The notion that he has nothing to do with the donor team when

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<sup>43</sup> Jan. 11, 2015, Phoenix TV,  
<https://docs.google.com/document/d/1w7MFiqIiDejdEK6Kh6CYcCwKZi75qb9AyiXcdwT7hjI/editpli=1>

he is taking organs from the donor team is a fantasy.

If organ harvesting goes against the moral bottom line of a doctor, and in this case Huang acknowledged that it did, then using an organ in a transplantation from an improper source also goes against the moral bottom line of the doctor. There is no difference in the morality of harvesting from an improper source and transplanting an organ harvested from a source which the transplanting doctor knows to be improper or to which the transplanting doctor is wilfully blind.

20. Huang Jiefu both rejects the conclusion of our research, that Falun Gong are being killed for their organs and acknowledges that he does not what organs the harvesting team are sourcing. In an interview with CN-Healthcare, <sup>44</sup> Huang said:

"Entering the 21st Century, due to the rapid development of transplantation technology, China has become the world's second largest transplantation country, yet the only country that systematically uses organs from executed prisoners. Such action have been criticized by the international community, and became China's 'Achilles' heel' not only scorned as unethical medical practice by the global transplant family, but also attacked by international hostile force, some of these forces even spread rumours that China have 'harvesting organs'."

Here Huang calls me and David Kilgour an international hostile force. Yet, if the sourcing of organs is to Huang as murky as he says it is, how would he know whether organs are being harvested or not?

Moreover, as we saw Huang has said "After that time (1994), I never wanted to have anything to do with the donor team." If he has nothing to do with the donor team, how

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<sup>44</sup> "China's Organ Transplant will step onto the world transplant stage in an undisputable ethical manner"

does he know what the sources of organs are?

In his Madrid 2010 speech quoted earlier Huang said: "Some hospitals ... make false identifications for selling organs to foreigners for profit." If he has nothing to do with the donor team, how does he know what is the truth behind these false identifications?

I should say as an aside that we have rejected rumours or hearsay as an evidentiary basis for our research. Any independent researcher, if he or she wants to do so, can see any evidence that we saw. Our work contains no rumours. Second, and this should be obvious, we are not hostile to China. We have no reason to be antagonistic to China. Our work is motivated by a desire to help China.

### **The politics of change**

21. Huang in one recent interview gave us an insight into why the Party in 2005 and onwards became at least partially forthcoming, albeit without indicating accurately which prisoners these were. The reason, according to Huang, was the SARS crisis.

The January 2015 Phoenix TV interview posted on their website ifeng.com has this exchange:

"[Narration] ... WHO and other organizations categorize China as a country with unknown organ source. Some organizations use this to question China's human rights record. The topic of organ source was also a sensitive topic not to be discussed in mainland China. However, this "taboo" was broken since July 2005 at the WHO Organ Transplant Conference in the Philippines. Then vice minister of health Huang Jiefu was the chairperson of the conference. Huang, for the first time, revealed that the organs in China came from executed prisoners.

Reporter: Why did you say this back then (the 2005 WHO conference), have you

thought about how big of a discussion this would have triggered?

Huang: ... They asked me where did China's organs come from and how many transplants we do in a year. According to WTO guidelines in 2000, all organ data must be reported to WHO, especially after the 2003 SARS, WHO requires closer followup on each country's medical data. They asked you where your organs were from. I am a doctor myself. I cannot lie because I have a moral bottom line. I told everyone the truth which is China did not have an organ donation system. There were 2 organ sources. One was family members living donor donation. The other one was cadaveric organs, which at that time came entirely from executed prisoners. We admitted this matter. When I went back to China, my colleagues and other officials in the Ministry of Health all said that I had opened up the Pandora's Box, and that I would soon lose my job, because I told the truth.

Reporter: Did other official discuss this with you?

Huang: Of course. I received absolute support from high ranking officials in the Party Central and the State Council. Because after the SARS crisis, we must face the public health crisis, and we must be truthful on matters the entire world pays attention to."

22. This reference to a Pandora's box and the control of the Communist Party explains the situation in China in more ways than one. The Party may have felt because of the SARS crisis that it was finally advantageous to disclose that organs were coming from prisoners. However, that very same logic makes it most unlikely that the Party would disclose that organs are coming from prisoners of conscience, primarily Falun Gong.

The January 2015 Phoenix TV interview posted on their website ifeng.com has this exchange:

"Huang: This year [March 2014], Hong Kong University awarded me the honorary professorship. About 20 students asked me questions.

Reporter: What did they ask you?

...

Huang: They asked a lot of sharp questions. Why China use organs from executed prisoners? Did the prisoners voluntarily donate I replied with the truth. China has no citizen donation system. It opened up a Pandora's Box.

Reporter: Right, it is very difficult to close a Pandora's Box once opened.

Huang: Exactly. We used almost 10 years (to close the Pandora's Box).

Reporter: Now we still need to work hard?

Huang: Now, we still can't say that the Pandora's Box is closed."

Acknowledging the killing of prisoners of conscience, primarily Falun Gong, for their organs would amount to opening up yet another Pandora's box, one that would be a lot harder to close. Since disclosure comes from the Communist Party, in the interests of the Party, it is hard to see how the Party can hope to gain from disclosing the killing of prisoners of conscience for their organs. The manner in which disclosure in China about organ sourcing occurs bodes ill for true honesty about sources.

23. Organ transplant abuse has been driven partly by money, partly by ambition by doctors for prestige. Huang Jiefu suggests a third factor, politics. In an interview with ifeng.com, the internet website of Phoenix TV, a mandarin language Hong Kong based service, Huang says:

"When we decided to stop the reliance on executed prisoners for organ transplants [it was] the most helpless period we've been in. ... Using prisoner organs, this kind of situation naturally would come to have all kinds of murky and difficult problems in it. Do you know the meaning of my words? ... It became filthy, it became murky and intractable, it became an extremely sensitive, extremely complicated area, basically a forbidden area"

Asked which "big tiger," or powerful official, was the greatest obstacle, Huang answered:

"It's just too clear. Everyone knows the big tiger. Zhou Yongkang is the big tiger; Zhou was our politics and law secretary, originally a member of the Politburo Standing Committee. Everyone knows this. ... So as for where executed prisoner organs come from, isn't it very clear?"<sup>45</sup>

This is typical of Huang Jiefu self-contradictory bafflegab. Something cannot at one and the same time be both murky and very clear.

There are two possibilities here. One is that, when he says matters are clear, he means that. The other is that, when he says matters are murky, he means that.

Let us take first the hypothesis that matters are clear. Huang appears to be saying that the selection of prisoners for organ sourcing is or has been political. If that is so, what are the politics? Why would politics lead to the choice of one prisoner over another? The only available answer is the repression and dehumanization of Falun Gong. There are no other candidates for widespread political slaughter within the Chinese prison/ labour camp/ detention system. This seems to be an indirect acknowledgement that Falun Gong are or were being killed for their organs.

Let us second take the hypothesis that matters are murky. This is an acknowledgement that Huang does not know which prisoners are selected to be killed for their organs. A statement that matters are murky leaves open the possibility that Falun Gong are being killed for their organs.

24. Huang Jiefu's reference to politics raises the question of the relationship between organ transplant abuse and political factionalism. One can not help but notice that the

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<sup>45</sup> Matthew Robertson, "China's Former Security Chief Implicated in Organ Harvesting", Epoch Times | March 16, 2015

leaders of the persecution of Falun Gong are falling one by one, most notably - Bo Xilai and Zhou Yongkang. The charges against them are corruption but often in China charges of corruption are the means by which the power struggle is conducted. They are surrogates for other issues.

Then Premier Wen Jiabao, in April 2012, in the aftermath of the attempted defection of Bo Xilai lieutenant Wang Lijun to the US consulate in Chengdu was quoted as saying in a leaked report of a Communist Party meeting:

"Without anaesthetic, the live harvesting of human organs and selling them for money - is this something that a human could do? Things like this have happened for many years. We are about to retire, but it is still not resolved. Now that the Wang Lijun incident is known by the entire world, use this to punish Bo Xilai. Resolving the Falun Gong issue should be a natural choice."<sup>46</sup>

It is unlikely that Wen would have said this without two things being true. One is that Falun Gong are being killed for their organs. The other is that Bo Xilai was at least in part responsible.

The Communist Party in the end did not use the killing of Falun Gong for their organs to punish Bo Xilai. My own view is that they did not do so because it was an issue which would have been hard to contain, to limit to Bo Xilai and his cronies. It would, as noted, earlier, have opened a Pandora's box.

The Party turns goals topsy turvey. In principle, one should use used the prosecution of Bo Xilai and others responsible for organ harvesting from prisoners of conscience to get rid of organ transplant abuse rather than use organ transplant abuse to get rid of Bo Xilai

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<sup>46</sup> Cheng Jing "Wen Jiabao Pushes for Redressing Falun Gong, Source Says" Epoch Times April 9, 2012.

or anyone else.

Organ transplant abuse should be an atrocity to end. Instead it has become a chip to play in a political poker game. Because this game is taking place behind closed doors, it is difficult to know how or when this chip is being played.

### **International leverage**

25. This January 2015 Phoenix TV interview provides an insight into the motivation of the Chinese medical system about getting into organ sourcing from prisoners in such a big way. It turns out it was not only money. It was also prestige.

The interview has this exchange:

"Reporter: We used to have over 600 transplant centers. The reason we had so many is also because of the gap between supply and demand?"

Huang: Why were there so many transplant hospitals? Two reasons. First is profit, second: organ transplant is the crown jewel of medicine. It shows the hospital's and the doctor's level of advancement. Medical personnel all want to do. There are over 600 transplant centers, many of them neglected patient's safety and quality of medical care. That's why we cut it down to 163 hospitals, then we added a few, total 169 hospitals."

The notion that one can gain prestige from transplanting an organ from an improper source requires a high degree of blinkering. Nonetheless, the value that is placed on prestige provides leverage to the international community. China can switch from transplant tourism to local patients and still maintain its transplant revenue flow, given the wealth of many Chinese nationals. Prestige in contrast depends heavily on international status. The international community, by denying status to doctors engaged in

transplantation from improper sources or from sources to which they are wilfully blind, can impact transplant abuse in China.

26. The January 2015 Phoenix TV interview provides yet another indicator of international leverage, training. Many Chinese transplant doctors have been trained abroad, including Huang himself.

In the interview, Huang said this:

"China needs to increase the number of transplant centers and transplant surgeons. By doing so, the number of transplant can increase. There are only about 10,000 transplants every year. The first reason is financial. Our medical reform is underway. Organ transplant is not yet included in the basic medical care. It is very expensive. Not everyone can afford it. This is number one reason. Second is our hospitals have good quality equipment but not enough competent doctors. Third is the lack of donors. We can't blame it all on donors. Even though we had enough donors now, we don't have enough doctors and hospitals to perform the transplant."

Transplanting at 10,000 organs a year when sourcing is improper is bad enough. But the prospect Huang holds out is an even higher rate of transplantation.

How do outsiders put a brake on this acceleration of transplants from a system without transparent sourcing and, in large part, improper sourcing? One answer is - Do not train doctors to function in that system.

Simply denying transplant training to doctors from China would be discriminatory. Insisting that would be trainees, to be accepted into training and to maintain their credentials after having been trained, have not and will not participate in transplantation

of organs unless they know beyond a reasonable doubt that the sources are proper is not discriminatory. On the contrary, it is essential to prevent foreign complicity in Chinese transplant abuse.

## **Conclusions**

As you can see by now, Huang Jiefu has developed his own dictionary for organ transplant abuse. For him voluntary sources includes prisoners, provided they go through the procedure he has established for his donor system. Donations means paying family members of organ sources for consent. Transparency means that he has announced that hospitals are no longer sourcing organs from prisoners. Rule of law means control by the Communist Party and his own system rather than hospitals acting on their own. Ending sourcing of organs from prisoners now means ending sourcing from prisoners eventually. In assessing what Huang Jiefu says, we must keep in mind the way he has redefined standard words to mean what he wants them to mean.

Well, one could go on. These many contradictory, confused, confusing and evasive statements I have quoted are the tip of the iceberg. Like much else in Communist China, when it comes to sourcing of organs, official statements have more or less nothing to do with reality and everything to do with politics and money. What Party officials and their Government counterparts say tells us what they want us to believe. They tell us more or less nothing about what is actually happening.

What the many self contradictory statements of Chinese health officials do demonstrate is the need for a system of accountability and transparency which goes beyond official statements of Communist party health officials. There is no such system now. Nor is there one in the offing.

What would a transparent system look like? One obvious step would be to make accessible the identity of the reporting hospitals and the aggregate data from the four transplant registries - liver in Hong Kong, heart and kidney in Beijing and lungs in Wuxi. A China Organ Transplant Response System (COTRS) set up in Hong Kong inputs donation information. According to Huang Jiefu, it is based at the University of Hong Kong "to ensure fair organ allocation and transparency." However, transparency requires more than a Hong Kong location. COTRS does not provide publicly accessible data.

While there is considerable variation in the identification of sources of organs, one constant is the silence about or denial of sourcing of organs source from prisoners of conscience in general and practitioners of the spiritually based set of exercises Falun Gong in particular. There is never, in any of the multiplicity of conflicting claims of sources of organs, any acknowledgement that organs for transplants come from this source. Yet, I and others have come to the conclusion that this is indeed the primary source of organs for transplants in China.

One can understand why Chinese health officials would not want to admit that the bulk of their organs for transplants come from innocents killed for their organs. Their instinct, as one might expect, is rather to cover up the atrocity as best they can.

The wildly varying and contradictory explanations for the sourcing of organs are a manifestation of this cover-up. The contradictions reflect the fact that the figures for sourcing the Chinese health system authorities produce are not real. They are rather the tangled web officials weave as they practice to deceive.

The changing explanations of sourcing reflect an instinct to indicate sourcing from anything but the real source. As each unreal source after consideration and scrutiny becomes implausible, the dissimulators move on to another.

While the inability or unwillingness of Chinese officials to come up with a consistent story on the sourcing of organs for transplants does not prove that the Chinese health system is sourcing organs in huge numbers from prisoners of conscience, it is certainly consistent with that sourcing. The contradictions and inability to provide real plausible numbers we see from the Chinese health system is the sort of behaviour one would expect from officials mired in a system which kills innocents for organs and then tries to cover up those killings.

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