

INTERNATIONAL COALITION TO
**END TRANSPLANT
ABUSE IN CHINA**

Submission to The Conservative Party Human Rights Commission
INQUIRY INTO HUMAN RIGHTS IN CHINA 2016-2020

International Coalition to End Transplant Abuse in China (ETAC)

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Table of Contents

1. About the International Coalition to End Transplant Abuse in China (ETAC)	.3
2. Responding to the Inquiry Terms of Reference	4
3. The Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal)	4
4. Recent statement by the World Health Organisation (WHO) in relation to evidence of forced organ harvesting in China	6
5. Parallels between the Chinese Communist Party's response to COVID-19 and their response to forced organ harvesting	9
6. Recent Evidence of Forced Organ Harvesting	10
6.1. PHONE CALL INVESTIGATIONS AND EVIDENCE	10
6.2. UNDERCOVER VIDEO INVESTIGATIONS	11
6.3. RECENT UYGHUR EVIDENCE	11
7. Falun Gong (Buddhist Qi Gong) - a protected group	11
8. Uyghurs - Forced organ scans and blood tests	13
9. International developments	15
10. Recommendations by ETAC	16
11. Recommendations from the China Tribunal Summary Judgment	17

1. About the International Coalition to End Transplant Abuse in China (ETAC)

The International Coalition to End Transplant Abuse in China (ETAC) was established with the specific goal of ending forced organ harvesting from prisoners of conscience in China and seeking justice for the victims.

ETAC is an independent, non-partisan organisation comprised of lawyers, academics, ethicists, medical professionals and human rights advocates. ETAC is not aligned with any political party, religious or spiritual group, government or any other national or international institution.

ETAC's members are from a range of backgrounds, belief systems, religions and ethnicities. The organisation's activities are co-ordinated through a number of national advisory committees, including a UK Committee.

ETAC provides global leadership on the issue of forced organ harvesting in China, coordinating the efforts of volunteers and supporters to promote and protect human rights by:

- Undertaking, publishing, and disseminating research regarding forced organ harvesting – a form of human trafficking - in China;
- Calling for greater transparency and scrutiny of the transplantation system, including foreign organ tourism in China;
- Promoting public debate regarding human tissue and organ trafficking laws;
- Raising public awareness regarding the importance of ending detainment and torture in China;
- Advocating for actions to reduce and avoid international complicity in China's violations of transplant ethics and human rights law; and
- Seeking justice for the victims of forced organ harvesting and demanding accountability for the perpetrators.

For further details about ETAC please see: <https://endtransplantabuse.org>

2. Responding to the Inquiry Terms of Reference

ETAC is grateful for the opportunity to make this submission and to the Conservative Party Human Rights Commission for undertaking an inquiry into the human rights situation in China.

Sections in our submission include background information on the China Tribunal which was initiated by ETAC, recent evidence, recent comments by the World Health Organisation in relation to forced organ harvesting in China, areas of concern regarding UK/China collaborations in relation to transplant medicine research and training, and recommendations for action nationally and internationally.

3. The Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal)

The China Tribunal was an international, independent people's tribunal, established to determine what criminal offences, if any, have been committed by state or state-approved bodies, organisations or individuals in China that may have engaged in forced organ harvesting.

The Tribunal was chaired by Sir Geoffrey Nice QC, who previously worked at the International Criminal Tribunal for the Former Yugoslavia – the ICTY – where he led the prosecution of Slobodan Milošević. Joining Sir Geoffrey were six panel members with expertise in international relations, Chinese history & business and medical ethics.

The China Tribunal was initiated by our organisation, the International Coalition to End Transplant Abuse in China ([ETAC](#)). Given the constant denials of forced organ harvesting, including from some eminent bodies, ETAC felt compelled to initiate the China Tribunal so as to progress the debate about whether or not China has been killing innocent people for their organs. In addition, previous reports and investigations that have dealt with forced organ harvesting have not dealt specifically with the question of whether China's transplant practices have amounted to - or included – commission of international criminal offences.

Whilst ETAC initiated the Tribunal, there was a necessary and scrupulous separation between ETAC and the Tribunal. ETAC was at no stage privy to the Tribunal's deliberations regarding the evidence, or their findings.

The Tribunal issued a public call for evidence and counter evidence before holding public hearings in London in December 2018 and April 2019. Over 50 fact witnesses, experts and investigators appeared before the Tribunal.

The China Tribunal presented its Final Short Form Judgment and Summary Report on 17 June 2019, generating a significant amount of international media coverage.¹ The Full Judgment was released on March 1st, 2020.

Full Judgment including appendices

https://chinatribunal.com/wp-content/uploads/2020/03/ChinaTribunal_JUDGMENT_1stMarch_2020.pdf

Judgment Short Form Conclusions

https://chinatribunal.com/wp-content/uploads/2020/02/China-Tribunal-SHORT-FORM-CONCLUSION_Final.pdf

Submissions to the Tribunal

<https://chinatribunal.com/submissions/>

Reading material reviewed by the Tribunal

<https://chinatribunal.com/reading-material/>

Video footage of 5 days of China Tribunal Hearings in London

<https://chinatribunal.com/the-hearings/>
<https://chinatribunal.com/the-hearings-april-2019/>

The China Tribunal Judgment contained the following conclusions (shown in no order of preference)²:

- *“Forced organ harvesting has been committed for years throughout China on a significant scale and...Falun Gong practitioners have been one – and probably the main – source of organ supply.”*
- *“The Tribunal has no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues till today.”*
- *“Commission of Crimes Against Humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt”*

¹ <https://press.chinatribunal.com/press/>

² China Tribunal Summary Judgement. https://chinatribunal.com/wp-content/uploads/2019/07/ChinaTribunal_SummaryJudgment_17June2019.pdf

- *“Governments and any who interact in any substantial way with the PRC [People’s Republic of China].... should now recognise that that they are, to the extent revealed above, interacting with a criminal state.”*

Throughout its proceedings, the China Tribunal maintained its invitation for further evidence to be submitted, with Sir Geoffrey stating:

“ETAC and the Tribunal remain aware of the need to have access to individuals who, or material that, suggests nothing criminal has been involved in China’s organ transplant practices. The Tribunal would, accordingly, be grateful for notification of the names of any such individuals who could assist with ‘exculpatory evidence’. Or written material to a similar effect that it may not yet have had drawn to its attention.”

To this end, the Tribunal contacted representatives of World Health Organisation (WHO), The Transplantation Society, (TTS), the Declaration of Istanbul Custodian Group (DICG) and the Pontifical Academy of Sciences (PAS), along with prominent Chinese transplant professionals and the Chinese Government and London Embassy, inviting them to provide evidence of past and present transplant practices in China. None participated.

The Foreign and Commonwealth Office was also invited to provide evidence to the Tribunal, with the Minister for Asia Pacific (Rt Hon Mark Field MP) invited personally. No evidence was forthcoming from the FCO and there was no ministerial attendance, although a Foreign Office desk officer did attend briefly during both sets of hearings. All invitations and correspondence can be viewed on the submission page of the China Tribunal website at:

https://chinatribunal.com/wp-content/uploads/2020/03/InvitationsCorrespondence_withIndex_2020.pdf

4. Recent statement by the World Health Organisation (WHO) in relation to evidence of forced organ harvesting in China

ETAC would like to draw attention to a debate in the House of Lords regarding forced organ harvesting in China and responses by the Minister of State, Foreign and Commonwealth Office in relation to the World Health Organisation.

On 25 July, 2019 in the House of Lords, Lord Ahmad responded to a written question posed by Lord Collins:³

“To ask Her Majesty’s Government what assessment they have made of the Final Judgment and Summary of the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China, published on 17 June.”

To which, Lord Ahmad replied:

“the evidence is not incontrovertible.....The evidence provided disturbing detail about the mistreatment of Falun Gong practitioners, and raised worrying questions about China’s transplant system. We continue to monitor all available evidence in this regard.”

Lord Collins then asked:

“The fact is that the Tribunal’s evidence was pretty strong, but the WHO (World Health Organisation) is saying that the Chinese system is ethical. Will the minister take this up and say that the Government should ask the WHO to examine the Tribunal’s evidence and explain why it does not think it sustains the argument that harvesting for transplants is going on.”

Lord Ahmad said,

*“I agree with the noble Lord Collins; the ambassador and I have pressed the WHO on this very issue. **The evidence that it used is based on the self-assessment made by the country that it is a signatory, and in this case that is China.**”*

That the FCO would take the WHO statement – essentially a reformatted series of previous Beijing talking points on organ harvesting – at face value, is a clear indication that the FCO is not taking issues regarding Freedom of Religion and Belief in China – particularly the issue of forced organ harvesting of prisoners of conscience - as seriously as they should. In the view of ETAC it is not acceptable that the FCO be content to rely solely on the self-assessment of a State that is a known human rights abuser when investigating mass atrocity. The credibility of its whole human rights agenda is at serious risk of collapse if they do.

It is also a matter of huge disappointment that the WHO continues to insist that the Chinese government has reformed their organ transplant programme and are running an ethical system – purely on the say so, it seems, of the Chinese themselves. As soon as the FCO was informed of this they should have taken action to investigate further and press the WHO to independently

³ <https://hansard.parliament.uk/Lords/2019-07-25/debates/341A8E55-95DE-4689-8023-E0D5DDCCC254/ChinaOrganHarvesting>

assess the allegations (and review the China Tribunal report) rather than waiting for probing questions from the House of Lords to propel them to do so.

On 23 April, 2019 (before the China Tribunal presented its Final Judgment and Summary Report) the APPG for International Freedom for Religion or Belief wrote to the Director General of the WHO (in a letter signed by 34 Parliamentarians), which stated that:

*“There is a growing body of evidence that this practice [forced organ harvesting] has been taking place for two decades and continued today. For example, a meticulous investigation carried out by former Canadian Cabinet minister, David Kilgour and others, estimates that up to 90,000 more transplants take place in China annually than official figures claim. Similarly, the ongoing independent China Tribunal, led by Sir Geoffrey Nice QC, has recently released an interim judgement that it is, **“beyond reasonable doubt that [in China] forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time....by state organised or approved organisations or individuals.**”*

“In contrast, the UK Government states that the WHO view is that China is running an ethical transplant system, albeit one with some transparency issues. We would be very grateful to you if you could provide a detailed explanation of the processes and methods that the WHO has undertaken to verify the ethical nature of China’s transplant system and to arrive at the conclusion that state sponsored forced organ harvesting is not happening in China today. We would also like to ask if you have assessed the evidence presented to the China Tribunal (<https://chinatribunal.com/reading-material/>)? If so, could you please explain why it is unsatisfactory? If not, would you consider doing so? Finally, we would greatly appreciate the WHO’s view on why waiting times for organ transplants in the UK or the US are typically 2-3 years, whereas in China, waiting times are often as little as a few weeks? This is particularly curious given that, according to the Wall Street Journal, as recently as 2010, China’s official number of voluntary donors was only 34.”

“The APPG sincerely hopes that China is running an ethical transplant system and if it is, then it is in China’s best interest for this to be evaluated and these long-standing allegations to be cleared up as soon as possible. We would be grateful for your assistance in doing so and we very much look forward to hearing from you soon.”

To date, the APPG has received no response to its letter.

We are currently of the opinion that the FCO’s support of Freedom of Religion and Belief in relation to the forced organ harvesting of prisoners of conscience in China, with victims being

primarily the religious and ethnic groups of Falun Gong and Uyghurs, is not sufficiently prioritised within its human rights work.

We also hold serious concerns regarding the WHO's current relationship with China and the ongoing representation of Chinese transplant surgeons on the *WHO Task Force on Donation and Transplantation of Human Organs and Tissues*⁴. Whilst this taskforce clearly has an important mandate, it is yet another example of a situation where China is engaged in unethical and criminal conduct which it masks by assuming leadership in a self-proclaimed humanitarian role.

5. Parallels between the Chinese Communist Party's response to COVID-19 and their response to forced organ harvesting

There are important parallels between the Chinese Communist Party's (CCP) response to COVID-19 and their response to allegations of forced organ harvesting, making familiarity with the latter very relevant in responding to the current crisis:

- The use of denial, lack of transparency and obfuscation about data: China's government has failed to provide accurate and timely data about COVID-19, just as it continues to withhold accurate and timely data about organ sources and transplantation rates in China.
- In response to criticisms and questions, the Chinese government responds with propaganda and attacks, and an assumed leadership position. Regarding COVID-19, we have seen aggressive propaganda efforts to move the narrative away from the secrecy and cover up at the start of the pandemic, diverting attention away from any independent investigation into the source of COVID-19, and towards a narrative in which China is the world leader in COVID-19 responses. Likewise, with forced organ harvesting, the Chinese government has vilified victims, tried to discredit human rights activists, and pursued an agenda of taking over international leadership positions involving organ transplantation.
- The Chinese government has subverted the WHO to serve its own propaganda and national interests, resulting in the WHO failing to declare a pandemic in a timely manner, and refusing to investigate forced organ harvesting from prisoners of conscience, instead relying on 'self report' from China.

This pattern of responses is both invidious and to date, successful. It behoves all of us in democratic countries to fight for the truth.

⁴ <https://www.who.int/transplantation/donation/taskforce-transplantation/en/>
<https://www.who.int/transplantation/donation/DTTF-members.pdf?ua=1>

6. Recent Evidence of Forced Organ Harvesting

ETAC would like to highlight a selection of the most recent evidence of forced organ harvesting in China. Most of this evidence was submitted to the China Tribunal and is included in their Judgment.

6.1. PHONE CALL INVESTIGATIONS AND EVIDENCE

The World Organisation to Investigate the Persecution of Falun Gong (WOIPFG) have conducted recent undercover phone calls. Below are highlights of recent evidence.

6.1.1. *Most recent WOIPFG reports*

- 2018 - <https://chinatribunal.com/wp-content/uploads/2019/08/WOIPFG-2018-Phone-Call-Report-Chinese-Communist-Party-Live-Organ-Harvesting.pdf>
- 2019/2020 (released post China Tribunal) - A series of five phone calls with Li Guoweia, a kidney transplant surgeon at Xijing Hospital Affiliated to the Air Force Medical University (formerly the Fourth Military Medical University). <http://www.upholdjustice.org/node/453>
- Victims of Communism Memorial Foundation (VOC) released a report on pre-print that verifies the provenance of the calls. https://chinatribunal.com/wp-content/uploads/2020/02/Authentication-and-Analysis-of-Purported-Undercover-Telephone-Calls-Made-to-Hospitals-in-China-on-the-Topic-of-Organ-Trafficking_MatthewRobertson_VOCWorkingPaper.pdf

6.1.2. *Phone call content verified by independent academics*

The China Tribunal requested that independent academics listen to a number of the phone calls and verify their content. Some phone calls are from 2018.

Comments on the content of the calls, which includes evidence of short waiting times, payments made and, in some instances, that Falun Gong practitioner organs were available, can be viewed here.

https://chinatribunal.com/submissions/phonecallsverification_academiccommentators_15may/

Instructions given to the academic reviewers can be viewed here

<https://chinatribunal.com/wp-content/uploads/2020/02/Phone-call-content-verification-report.pdf>

6.1.3. *Phone call analysed by forensic speech expert*

Forensic speech expert Prof French analysed the voice authenticity of one call. The recipient of the call was former Chinese Minister for Health for the Chinese People's Liberation Army (PLA). **In the call Bai Shuzhong states that former President Jiang Zemin ordered the organ harvesting of Falun Gong practitioners.**

https://chinatribunal.com/wp-content/uploads/2020/02/Report-on-Forensic-Examinations-of-Recordings_Prof-French_A.pdf

Audio and English translation of the call - <http://www.upholdjustice.org/node/260>

6.1.4. *WOIPFG Final Harvest phone call investigation report – April 22, 2016*

https://chinatribunal.com/submissions/woipfg_finalharvest_april22_2016/

6.2. UNDERCOVER VIDEO INVESTIGATIONS

Falun Gong practitioner Yu Ming, who escaped China in 2019 after spending many years in detention, has undercover video footage. The footage includes undercover interviews with Chinese transplant recipients and Chinese transplant doctors and officials. Below is a sample of the footage that has been translated into English. Information in the videos includes, but is not limited to: very short wait times/organs on demand, amount paid, red envelopes with additional payments, the process of booking an organ transplant, volumes of transplants, availability of organs, multiple organs available for one person (if the first organ fails), hospital billboards promoting transplants etc.

Yu Ming is available to provide further information about these videos, and has indicated he has additional raw footage that has not been translated into English.

Yu Ming has requested that the below videos are not made accessible to the public.

Download 9 videos:

https://drive.google.com/drive/folders/1KW4J8b5DHHCo6xacU_IHEJHaJLL7UsCK

6.3. RECENT UYGHUR EVIDENCE

Please see section 8 of this submission below *Uyghurs - Forced organ scans and blood tests*.

7. Falun Gong (Buddhist Qi Gong) - a protected group

Falun Gong is a traditional Chinese spiritual discipline of the 'Buddha School'. ETAC would like to highlight that outside of China, Falun Gong is widely recognized as a religious practice and people

who practice are thus protected under international conventions.

For example, in Australia in 2015 a Tribunal assessing a Falun Gong practitioner's application for a protection visa ruled that:

*"The Tribunal is satisfied that the belief system and the practice of Falun Gong falls within these definitions and thus Falun Gong is a religion for the purpose of the Convention. Further, the Tribunal finds that the applicant's religion is the essential and significant reason for the persecution."*⁵

Legal advice received by the China Tribunal from Edward Fitzgerald QC⁶ on the extent to which Falun Gong constitutes a "religious group" states that:

"We consider that the balance of authority and the correct analysis is that Falun Gong is a religious group."

"At the end of this Opinion we also draw attention to one further case dealing with the definition of a religion, which reinforces our view that Falun Gong falls within the definition of a religious group."

Expert opinion on the extent to which Falun Gong constitutes a "religious group" under the Genocide Convention 1948, and customary international law, was submitted to the China Tribunal by Professor Peter W Edge and Dr. Michael John-Hopkins of Oxford Brookes University⁷. The opinion notes that:

*"Falun Gong combines tenets of moral philosophy, spiritual practices, and an ultimate spiritual goal of enlightenment. The UN Special Rapporteur on Freedom of Religion or Belief has recognised Falun Gong practitioners as suffering violations of their freedom of religion or belief."*⁸

In a submission to the China Tribunal Clive Ansley (China Law Expert) stated that:

⁵ <https://www.refworld.org/pdfid/579a29074.pdf>

⁶ Legal opinion 1 of 2 https://chinatribunal.com/wp-content/uploads/2019/06/LegalAdvice_EdwardFitzgeraldQC_January2019.pdf
Legal opinion 2 of 2 https://chinatribunal.com/wp-content/uploads/2019/06/LegalAdvice_2-of-2_EdwardFitzgeraldQC_2019.pdf

⁷ <https://chinatribunal.com/wp-content/uploads/2019/06/Edge-and-John-Hopkins-letter.pdf>

⁸ Report of the Special Rapporteur on freedom of religion or belief, Addendum (2010) A/HRC/13/40/Add.1, at para. 74.

“The CCP from the outset, in various commentaries, essentially seemed to consider FLG to be religious.”⁹

Clive Ansley explained that whilst Falun Gong is often referred to in the Chinese State owned and influenced English language media as a “cult”, the more accurate translation for the Chinese term used by the Chinese Government, “xiejiao zuzhi”, is an “unorthodox religious organization”. ETAC believe the word ‘cult’ was likely adopted as a term that is more effective in dehumanising the victim group to a western audience.

ETAC believes that Falun Gong practitioners continue to be incarcerated, tortured and killed for their organs in China.

8. Uyghurs - Forced organ scans and blood tests

Whilst Falun Gong has remained the main target of forced organ harvesting between 1999 to the present, other vulnerable prisoners of conscience including Uyghurs, Tibetans and House Church Christians have also been targeted.

In 2017, the entire Uyghur population was forced to give blood tests and DNA samples to State medical staff, while the Han Chinese population of Xinjiang, well over half of the population of Xinjiang, had no such obligation, thus ruling out the presence of infectious disease as a motive for the blood tests. This was accompanied by the construction of dedicated human organ transport lanes in Kashgar and Urumqi airports, and a state plan to produce 9 mass crematoriums in the region (to furnish a sense of the scale, the first crematorium that opened in Urumqi hired 50 security guards).

Dr Maya Milatapova, Director of Human Stem Cell Laboratory, Whitehead Institute for Biomedical Research, MIT, testified to the China Tribunal that DNA sequencing can be used for organ matching.

“These second-generation sequencing technologies have the ability to extensively characterize genome-wide sources of histoincompatibility between donors and recipients, potentially unravelling specific genetic risk factors influencing rejection and immunosuppressant responses or severe adverse effects.”¹⁰

⁹ https://chinatribunal.com/wp-content/uploads/2019/06/ETAC_Question_ChineseTerminology_ReligionORCult.pdf

¹⁰ https://chinatribunal.com/wp-content/uploads/2019/06/April_Submission_Maya-Mitalipova.pdf

Uyghurs detained include men and women, the young and elderly, as well as people of various professions and social classes. The mass construction of detention centres in Xinjiang (East Turkistan) began in 2016 with the US government estimating that as many as 2 million people are currently detained.

The Chinese Communist Party claims that the highly surveilled detention centres, where detainees are forbidden to speak or interact with each other and are required to write 'self-criticisms' and admissions of 'erroneous thinking', are in fact 'vocational education centres' for the benefit of the people. **Similar to the accounts from Falun Gong practitioners, Uyghur and Kazakh victims report blood tests, ultrasound, x-ray and body scans**, followed by disappearances, particularly of the young and healthy (average age between 25 to about 40 years of age). The testing is also accompanied by torture, rape, and deaths in custody – elements that are familiar to Falun Gong refugees from labor camp.

Four Uyghurs who testified to the China Tribunal said they had received forced organ scans and blood tests whilst in detention in China.

<https://chinatribunal.com/wp-content/uploads/2019/11/Gulbahar-Jelilova.pdf>

<https://chinatribunal.com/wp-content/uploads/2019/11/Mihrigul-Tursun.pdf>

<https://chinatribunal.com/wp-content/uploads/2019/11/Omir-Bekali.pdf>

<https://chinatribunal.com/wp-content/uploads/2019/11/Abduweli-Ayup.pdf>

Video of hearings in which the above witnesses were questioned by the Tribunal are available here:

<https://chinatribunal.com/the-hearings-april-2019/>

<https://chinatribunal.com/the-hearings/>

ETAC has heard from the Uyghur community that post the China Tribunal Judgment further accounts of forced organ scans in detention have come to light. One such account is from Zumuret Dawut who said she was given a forced x-ray of internal organs and blood tests, whilst in detention.

<https://endtransplantabuse.org/uyghur-woman-organ-examined-in-detention-hospital/>

When the vast majority of the victims of organ transplant abuse in China were Falun Gong practitioners, the global human rights community was mostly silent. There is a direct linkage between that silence and the killing of Uyghurs for their organs today.

9. International developments

International developments include the following:

- September, 2019: The Republican National Committee issued a resolution condemning forced organ harvesting in China and stating that the RNC “*considers China’s involuntary organ harvesting as a major human rights violation.*”
- China’s organ harvesting has become a focus of media investigations around the world.¹¹
- Hearings have been held by the UK Parliament (hosted by the APPG on International Freedom of Religion and Belief)
- September 24th, 2019, Mr Hamid Sabi, Counsel to the China Tribunal, gave a speech to the UN Human Rights Council in Geneva, denouncing the practice of forced organ harvesting in China.¹² At an NGO-sponsored side event that took place at the UN in Geneva on the same day, Sir Geoffrey Nice QC, Chairman of the China Tribunal, said:

“Governments, UN bodies and ruling bodies of medical associations dealing with transplant surgery can no longer avoid what is inconvenient for them to admit. Crimes revealed in the China Tribunal judgement require immediate action. The UN and the International Transplant Society should face up to what is revealed in the China Tribunal judgement and act. The time of convenient ‘uncertainty’, when all these entities could say the case against the PRC was not proved, is past.”

- A joint letter to the UN High Commissioner for Human Rights and a number of UN Permanent Missions, including the UK Permanent Mission, was signed by 16 international organisations. The letter urges for a UN Commission of Inquiry into Forced Organ Harvesting in China. (attached)
- The **Royal College of Surgeons** in the UK is reviewing the Judgment and have indicated they will meet with Tribunal Chair, Sir Geoffrey Nice QC and Tribunal member and transplant surgeon, Prof Martin Elliott.
- **Representatives from the US Department of State Office of International Religious Freedom** and the **White House National Security Council** have indicated they are currently reviewing the China Tribunal Judgment.

¹¹ <https://press.chinatribunal.com/press/>

¹² <https://chinatribunal.com/statement-made-to-the-united-nations-september-2019/>

- During the **Australian Senate Estimates** on 5 March 2020, the **Department of Foreign Affairs and Trade** (DFAT) indicated they were reviewing the Judgment and would make contact with Tribunal Chair, Sir Geoffrey Nice QC. They also indicated they had informed **Universities Australia** about the Judgment.
- In response to these issues, the Royal Australian College of Physicians (RACP) has recently issued a Position Statement endorsing the Declaration of Istanbul.

The Statement:

“..condemns the use of prisoners of conscience for forced organ harvesting and expresses concern regarding potential Australian complicity in research, education and transplant tourism.”¹³

10. Recommendations by ETAC

- The UK should fulfil legal obligations under Article 1 of the Genocide Convention to prevent genocide. The China Tribunal judgment provides sufficient independent legal analysis of available evidence to require States to act in accordance with their legal obligations under the convention.
- China has signed and ratified the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT). The UK has an obligation to report China for its crimes of torture. China’s crimes of torture against Falun Gong practitioners and Uyghurs should be brought before the International Court of Justice.
- The UK Government should investigate whether universities, hospitals and businesses in the UK have partnerships and collaborations with China in relation to transplant medicine, research and training. All collaborations and partnerships with China in relation to organ transplantation should cease and policy should be put in place to prevent possible involvement in China’s criminal transplant activity – protecting UK citizens from possible complicity in China’s Crimes Against Humanity.
- The UK Government should prohibit funding for transplant related programs in UK universities, medical research centers, and hospitals that are partnering with Chinese transplant entities unless and until it can be established beyond reasonable doubt to

¹³ <https://www.racp.edu.au/news-and-events/media-releases/racp-statement-on-organ-trafficking>

independent researchers, the UK potential fund recipient and the UK funding agency that

- a) organ harvesting transplant abuse with prisoner of conscience victims has never been or is no longer being conducted by the partnering Chinese entity;
 - b) the Chinese entity does not employ any person who has in the past been complicit in organ harvesting transplant abuse with prisoner of conscience victims.
- The UK Government should:
 - request answers from the WHO regarding forced organ harvesting from prisoners of conscience in China, and press for WHO representatives to meet with Sir Geoffrey Nice QC.
 - Question the WHO on the funding sources coming from China for the “WHO Task Force on Donation and Transplantation of Human Organs and Tissues”
 - Urge that China’s membership on the WHO Taskforce be suspended until there is absolute transparency in China’s organ transplantation systems, including in the military hospitals.
 - The UK Government should urgently pass legislation that criminalises organ trafficking and transplant tourism, including provisions for mandatory reporting.
 - The UK Government should pass the Global Magnitsky Act and Chinese human rights offenders, including perpetrators of forced organ harvesting should be included on the UK’s Magnitsky Act list.

11. Recommendations from the China Tribunal Summary Judgment

The China Tribunal¹⁴ made a number of recommendations that ETAC welcomes and fully endorses. We hope that the UK Government will seek to play a role in helping advance these recommendations, both domestically and in the international arena.

193. *“In relation to the crime of genocide, and notwithstanding the conclusion arrived at by the Tribunal, it is still open for the UN General Assembly to request from the ICJ an advisory opinion on the very same issue of forced organ harvesting in the PRC and whether it constituted genocide. There would be no need for the PRC to consent to such a request. Resolutions calling for the same*

¹⁴ <https://chinatribunal.com/final-judgement-report/>

may be moved by one or more Member States for consideration and, if sufficiently supported, adopted by the General Assembly.

194. *“Action at an international level could also be founded on the basis of the Responsibility to Protect (‘R2P’). This is a political commitment endorsed by all member states of the United Nations, including the PRC, in 2005 to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. Respect for norms and principles of international law mandate national governments, regional and international communities to initiate action to intervene in such situations. However, intervention requires approval by the UN Security Council, of which the PRC is a permanent member and can exercise a veto.*

195. *“It would also be open for the UN Human Rights Council to consider this matter, again based on a resolution proposed by one or more of its 47 Member States. Subject to a majority vote in favour by the Council, the Council could create a mandate for a Special Rapporteur to investigate these allegations of forced organ harvesting of prisoners of conscience in the PRC, and to report back to the Council whether the crimes of genocide, crimes against humanity, and torture have indeed been committed. Despite the time this would inevitably take, this could be one course of action to be given some priority, without limit to the importance of all others.*

196. *“The UN Working Group on Arbitrary Detention might also have a role if necessary cooperation could be established for an interview with a known arbitrarily detained person.*

197. *“But there is a risk in identifying to may possible international interventions that none will receive proper focus and all may fail.*

198. *“Apart from action at an international level initiated by national governments (or possibly others), domestic action in such matters is possible – by asserting universal jurisdiction powers established in some national courts by national legislation or by international law to permit individual plaintiffs to file legal actions against particular individuals or even against a sovereign state for acts or conduct that may constitute genocide, crimes against humanity or torture. The Tribunal is aware of an action commenced in and acted by the national courts of Spain in 2013 by a group of Tibetan exiles seeking to bring, among others, former Chinese leader Jiang Zemin to justice for acts of genocide in Tibet. As a result, the Spanish court issued an international arrest warrant for Jiang. The Tribunal is however, not aware of any recent developments in this case. Efforts have been put in train recently by lawyers in Melbourne, Australia, to have Aung San Suu Kyi prosecuted for crimes against humanity in respect of the Rohingya Muslim suffering; present progress also unknown.*

201. *“So far as governments are concerned the Tribunal reverts to what it has said about the PRC’s failure to engage with the allegations being made for such a long period of time. By their failures even to sufficiently investigate as to find them proved, governments around the world have been able to justify doing little or nothing and certainly not initiating one of the processes that could bring these allegations to formal judicial determination. Over this time, the PRC may have deserved better of itself than to let an existing practice continue and grow. Countries testing grave allegations and not letting the PRC escape oversight could have helped the PRC to understand that the practice in which it was engaged had to stop if it was to find a place in the world of something more than an enormously powerful commercial partner and competitor of other states, large and small. Tragically, unchecked action allowed many people to die horribly and unnecessarily in the service of objectives that successors to the present PRC leaders may come to recognise were never essential to the wellbeing and growth in stature of their state.*”