

Friday September 28, 2007

Plenary Session on Rule of Law II including: capital punishment, prevention of torture, international human rights law, protection of human rights and fighting terrorism

Mr Moderator, Ladies and Gentlemen,

Our recommendations concern urging OSCE countries to take a lead in condemning the People's Republic of China (PRC), global exemplar of the most severe crimes against humanity, for its state-sponsored organ harvesting which the regime uses as a tool of political repression, torture and extra-judicial capital punishment for profit.

There is no rule of law in China. The Chinese Communist Party (CCP) explicitly controls the judiciary and orders more executions than the rest of the world combined many times over. Luo Gan, Director of the Central Committee for the Management of Public Security, said in December 17, 2003 article in *Xinhua*, that "Judges must effectively enhance the Party's leadership in people's court work."

There are 68 crimes in China punishable by death, most of which are minor or non-violent offenses such as embezzlement, tax fraud and robbery. The PRC maintains complete secrecy over its capital punishment statistics; however Amnesty International estimated that in 2006 there were roughly between 2000 to 8000 judicial executions. As Manfred Nowak, UN Special Rapporteur on Torture, noted in his December 2005 Report of his country to China, because the criminal justice system is focused on admission of guilt, torture is routinely used to extract "confessions." For many there is no death row, no chance for appeal, since mobile execution buses perform executions on the spot, immediately upon sentencing.

Extra-judicial executions are even more secretive and even more widespread. In 1999, when the Falun Dafa (or Falun Gong) peaceful meditation practice was outlawed, 70-100 million citizens became target of arbitrary arrest, forced-labour, torture, and state-sponsored murder in an all-out persecution that has lasted for eight years and counting. For example, in the first 21 months of the crackdown, there were 830,000 arrests in Beijing alone. Police are given incentives and punishments based on the number of prisoners they "transform," i.e. tortured into signing statements renouncing and denouncing their belief. Deaths while in police custody are recorded as suicides. Hundreds of thousands of practitioners have been interred in concentration camps without any judicial process. Accurate numbers are impossible to know since many who are detained will not reveal their names to protect their families and friends from extortion and harassment. To their communities, they have simply disappeared.

These prison camp populations are subject to the most unthinkable crimes against humanity, capital punishment taken to the worst possible extreme – state-sponsored murder, on demand, to sell their organs for enormous profits.

The evidence collected by former Canadian Secretary of State, David Kilgour and International Human Rights attorney, David Matas in their report into the allegations is overwhelming and irrefutable (<http://organharvestinvestigation.net/>) and their 33 points of evidence include: A rapid rise in organ transplantations done in China since the persecution of Falun Gong began in 1999. Even taking into consideration organs taken from judicially executed prisoners, which the CCP now admits to, there is no other explanation for the source of 41,500 other organs transplanted between 2000 and 2005; Chinese hospital websites advertising to foreigners boast short wait times of only 1-2 weeks—as opposed to years in other countries—for fresh organs from living "donors" but yet, China has no system for organ donation or organ-matching. Detained Falun Gong practitioners undergo systematic physical examination while at the same time being grossly maltreated – clearly the testing is not out of concern for their health. In phone calls to hospitals by researchers posing as potential clients, hospital staff admitted to using organs from Falun Gong practitioners – reputedly healthy because of their exercise practice. In one testimony, a foreign patient said he was given a total of eight kidneys by Chinese doctors before a suitable match was found; hence eight people were murdered to fill one order alone. The ex-wife of a surgeon testified that her husband removed the corneas without the use of anesthetics from approximately 2000 Falun Gong prisoners over two years.

One medical tourism website openly admits that China is able to perform so many transplantation operations "owing to the support of the Chinese government. The Supreme Democratic Court, Supreme Democratic Law-officer, Police, Judiciary, Department of Health and Civil Administration have enacted a law together to make sure that organ donations are supported by the government." ([http://www.mediescapes.com/China International Organ Transplant Hospital China.html](http://www.mediescapes.com/China%20International%20Organ%20Transplant%20Hospital%20China.html))

We concur with the 25 recommendations contained in the Matas-Kilgour report. Accordingly, we call upon all OSCE countries to: strongly demanding China's cease organ harvesting and all crimes against humanity; demanding that all detention facilities be open to independent international inspection by the International Committee for the Red Cross or other human rights or humanitarian organizations; enacting extra-territorial legislation penalizing participation in organ harvesting; barring entry to OSCE countries to any person known to be involved in trafficking or harvesting of organs of prisoners in China; not supporting China's transplantation industry through medical exchanges, trainings, selling of anti-rejection drugs, etc. Please see the report for the full list of recommendations.

Thank you.