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150 Reykjavík

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Efni: Umsögn við tillögu til þingsályktunar um fríverslunarsamning milli ríkisstjórnar Íslands og ríkisstjórnar Alþýðulýðveldisins Kína - mál nr. 73.

Undirrituðum hefur borist til umsagnar tiltekin þingsályktunartillaga, sbr. tölvupóst dags. 21. okt. s.l. frá nefndasviði Alþingis.

Undirritaður hefur beitt sér fyrir því að Ísland leiðrétti hin ýmsu mannréttindabrot. Sem sonur Sævars. M. Ciesielski hefur undirritaður ákveðna reynslu og skilning á mikilvægi mannréttindahugsjónarinnar sem auk náms í lögfræði og heimspeki hefur mótað þá sýn undirritaðs að ævinlega verði að standa vörð um grundvallar mannhelgi. Þá hefur undirritaður ásamt móður sinni, Þórdísi Hauksdóttur, iðkað Falun Gong æfingar og þá siðferðislegu hugsjón sem grundvallast á gildunum sannleik, samkennd og þolgæði. Sú iðkun hefur kennt undirrituðum að líta inn á við og sjá þar hluti sem má bæta í stað þess að einblína á flísina í auga nágrannans.

Í ákveðnum tilfellum er þó nauðsynlegt, þrátt fyrir eigin ófullkomleika, að benda á hvað má betur fara hjá öðrum. Þá ber að skoða hvort athugasemdir séu gerðar við flísar í augum annarra vegna ókurteisi eða að þeir séu öðruvísi; eða; hvort verja þurfi þá sem minna mega sín gagnvart ofbeldi nágrannans. Slíkt er iðulega háð huglægu mati að einhverju leiti, en á endanum þurfa allir (einstaklingar, hópar og yfirvöld) að velja sér viðmið og mælikvarða. Undirritaður mun rekja þau mannréttindabrot kínastjórnar sem undirritaður hefur mikla þekkingu á og sem ógerlegt er að líta fram hjá, voðaverkum þar í landi, sem framin eru með vitneskju og í mörgum tilfellum skipulagningu ýmissa háttsettra sambættismanna í Alþýðulýðveldisins Kína.

Undirritaður vill taka fram merkingarleysi þess að benda á aðrar þjóðir í þessu sambandi. Þá hefur enga þýðingu í þessu samhengi hvort nágrannaþjóðir eða aðrar þjóðir gerist sekar um sambærilega eða svipaða hluti. Krafa um að nauðsynlegt sé að fordæma á sama hátt sambærilega gerendur voðaverka er krafa sem ótækt er að framfylgja í öllum tilfellum og gerir nær ómögulegt að verja þolendur í einstökum málum. Jafnræði er mikilvægt gildi, en

má ekki fara út í öfgar og missa marks þannig að ekki sé hægt að fordæma geranda X á þeirri forsendu að gerandi Y sé jafn slæmur. Utan þess að þeirri kröfu er nær ómögulegt að fylgja í reynd gagnast hún aðeins gerendum voðaverka, ekki þolendum þeirra.

Í umögn þessari mun undirritaður fjalla um eðli mannréttindamála og stöðu þeirra í Alþýðulýðveldinu Kína með stuðningi margvíslegra heimilda en staða mannréttindamála í Alþýðulýðveldinu er grundvallar forsenda í rökstuðningi undirritaðs um breytingu á frumvarpinu. Flestir þeirra sem sæta ofsóknum í Alþýðulýðveldinu Kína eru Falun Gong iðkendur og því eðlilegt að rekja ítarlega viðurkenndar staðreyndir um ofsóknir á hendur þeim hópi.

Umsögn undirritaðs felur í sér eftirfarandi breytingartillögur (ef vilji er fyrir samþykkt þessa frumvarps):

- a. Kafla um mannréttindamál, þar sem afstaða Íslands er skýrð.
- b. Tillögu um bann við kaupum á líffærum úr fólki frá Kína.
- og c. Tillögu að breytingu á 59. gr. um þagnarskyldu.

Staða mannréttindamála Falun Gong iðkenda í Kína

Samkvæmt rannsókn sem gerð var á vegum Sameinuðu Þjóðanna árið 2006 (*Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: MISSION TO CHINA*) eru tveir þriðju þeirra sem sæta ofsóknum af hálfu kínastjórnar Falun Gong iðkendur.¹

Árið 1999 sögðu fjölmiðlar frá því að Falun Gong væri sú iðkun sem nyti mestra vinsældra í Alþýðulýðveldinu Kína og fjölgun iðkenda einsdæmi þar í landi eða jafnvel í mannkynssögunni. Aðeins 7 árum eftir að iðkunin var kynnt, árið 1992, var talið að 70-100 milljónir legðu stund á hana í landinu.²

Ofsóknir stjórnar Alþýðulýðveldisins Kína á hendur Falun Gong iðkendum hófust með

¹Manfred Nowak (2006). "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: MISSION TO CHINA". United Nations. bls. 13
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/117/50/PDF/G0611750.pdf?OpenElement> sjá töflu 1 á bls. 13.

²Kilgour, David. Fengið af: http://www.david-kilgour.com/2010/Oct_21_2010_01.php

fullum þunga sama ár, 1999.³ Ástæðan var fyrst og fremst ótti stjórnarinnar vegna gríðarlegs fjölda iðkenda, en fram að því hafði Falun Gong verið í hávegum haft í Kína, fengið fjölda verðlauna og viðurkenningar, meðal annars af hálfu kínverskra embættismanna við hátíðleg tækifæri. Staðhæft var opinberlega sama ár og ofsóknirnar hófust að Falun Gong iðkunin hefði jákvæð áhrif á heilsu og samfélag.⁴

Á undanförunum áratug hafa skýrslur og yfirlýsingar fjölmargra stofnana, mannréttindasamtaka, óháðra mannréttindalögfræðinga og ríkisstjórna víða um heim vakið athygli á þeirri staðreynd að löghlýðið fólk sem iðkar Falun Gong í Kína hefur tugþúsundum saman verið fangelsað, sett í þrælkunarbúðir án dóms og laga og margir pyntaðir til dauða. Sameinuðu þjóðirnar,⁵ Evrópusambandið,⁶ fulltrúaping Bandaríkjanna,⁷ Amnesty International,⁸ Human Rights Watch⁹ og fleiri hafa án afláts fordæmt aðför stjórnar Alþýðulýðveldisins Kína gagnvart Falun Gong iðkendum í þar í landi.

Ofsóknirnar eru enn við líði, en þær fela meðal annars í sér kerfisbundna áróðursherferð til að rægia iðkunina, frelsissviptingu, þrælkunar- og pyntingabúðir, kynferðisglæpi, líffærastuldi og morð.¹⁰

Staðfestar tölur (sem eru ályktaðar mun lægri en raunverulegar tölur) sýna að mörg þúsund hafa látið lífið vegna pyntinga eða við það að líffæri eru fjarlægð úr líkama þeirra sem eru síðar seld.

Síðastnefnda staðhæfingin byggir á rannsókn kanadískra mannréttindalögfræðinga David Matas og David Kilgour, (einnig fyrrum þingmaður í Kanada), sem voru meðal tilnefndra til friðarverðlauna Nóbels 2010 fyrir ítarlega rannsókn þeirra á líffærastuldi kínastjórnar úr

³Leung, Beatrice „China and Falun Gong: Party and society relations in the modern era“, Journal of Contemporary China, bls. 761 - 784

⁴ Perry, Benjamin, Canberra, 2001, „The Past, Present and Future of Falun Gong, A lecture by Harold White Fellow, Benjamin Penny, at the National Library of Australia“
<http://www.nla.gov.au/grants/haroldwhite/papers/bpenny.html>

⁵ Nowak, Manfred; United Nations, „Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to China,“
<http://www.cecc.gov/pages/annualRpt/annualRpt06/Religion.php>

⁶ Edward McMillan-Scott, (Vice President, European Parliament). „EU-China summit 2010: MEP calls for positive policies for the people of China.“

⁷ House Resolution 605: „Recognizing the continued persecution of Falun Gong practitioners in China...“ <http://www.govtrack.us/congress/bill.xpd?bill=hr111-605>

⁸ Amnesty International, „China: The crackdown on Falun Gong and other so-called “heretical organizations”“ <http://www.amnesty.org/en/library/info/ASA17/011/2000>

⁹ Human Rights Watch „China: Repression Against Falungong Unabated“
<http://www.hrw.org/en/news/2002/02/06/china-repression-against-falungong-unabated>

¹⁰ Falun Dafa information center, „Mechanics of Persecution“ . Fengið af:
<http://faluninfo.net/topic/7/>

lifandi Falun Gong iðkendum í Kína.¹¹ Rannsókn þeirra, *Matas-Kilgour report*, verður gerð sérstök skil í kaflanum „Sérstakt ákvæði um bann við kaupum á líffærum úr fólki frá Kína”.

Varaforseti evrópska þingsins, Edward McMillan-Scott segir í beiðni sinni um rannsókn á ofsóknum á hendur Falun Gong iðkendum í opnu bréfi þann 25. apríl 2009 til aðalritara Sameinuðu Þjóðanna að ofsóknirnar séu: „Kerfisbundnustu ofsóknir á hendur einum hópi fólks frá því ofsóknir Nasista á hendur gyðingum fóru fram”¹²

Fjölmörg dómsmál á hendur Jiang Zemin, fyrrverandi einræðisherra Kína, eru í ferli og hafa tveir dómsstólar (í Argentínu og á Spáni) nú þegar dæmt hann, ásamt öðrum fyrrverandi háttsettum embættismönnum í Kína, til þess að þurfa svara til saka fyrir glæpi gegn mannkyni og þjóðarmorð á Falun Gong iðkendum í Kína. Úrskurðurinn í Argentínu, sem féll í desember árið 2009 byggir á sjálfstæðri rannsókn Argentínska dómskerfisins:

„after four years of arduous investigation, Judge de Lamadrid ordered the indictments of, and issued arrest warrants for Jiang Zemin and Luo Gan, former leader and former Secretary of the Political and Legal Affairs of the Central Committee of the CCP respectively.”¹³

Báðir þessir menn, Jiang Zemin og Luo Gan, hafa dvalið á Íslandi í opinberri heimsókn. Spænski dómurinn sem féll í nóvember 2009 byggir á 2ja ára rannsókn á glæpum Jiang Zemin og stjórnar Alþýðulýveldisins Kína:

„In a groundbreaking case, following a two-year investigation, a Spanish judge has accepted charges of genocide and torture in a case filed against five high-ranking CCP [kínverska kommúnista flokks] officials for their role in the persecution of Falun Gong.”¹⁴

Pyndingaaðferðunum á hendur Falun Gong iðkendum eru gerð greinargóð skil í Viðauka III sem fylgir með þessari umsögn.

Skýr og afdráttarlaus mannréttindakafli í þingsályktuninni

Árið 2006 samþykkti Evrópuþingið þingsályktun (2005/2161 (INI) sem varðar samband

¹¹ Santin, Aldo; „Crusader up for Nobel Prize - Lawyer lauded for investigating abuses in China “. Fengið af: <http://www.winnipegfreepress.com/local/crusader-up-for-nobel-prize-84838397.html>

¹² „Open Letter From European Parliament Vice President Edward McMillan-Scott “. Fengið af: <http://www.theepochtimes.com/n2/content/view/16041/>

¹³ Lin, Lin; „Argentina Lawyer Speaks on Falun Gong Genocide Decision “. Fengið af: <http://www.theepochtimes.com/n2/content/view/27000/>

¹⁴ Cuthbertson, Charlotte; „ Spanish Judge Calls Top Chinese Officials to Account for Genocide “. Fengið af: <http://www.theepochtimes.com/n2/content/view/25211/>

Evrópu og Kína, í henni m.a. segir:

„66. Strongly condemns the detention and torture of Falun Gong practitioners in prisons, "Re-education through Labour" camps, psychiatric hospitals and "legal education schools"; is concerned about reports that organs of detained Falun Gong practitioners have been removed and sold to hospitals; urges the Chinese Government to end the detention and torture of Falun Gong practitioners and to release them immediately;“¹⁵

Í nýtilkominni ályktun Evrópuþingsins sem bíður afgreiðslu þingsins segir:

- „3. Calls for a full and transparent investigation by the European Union into organ transplant practices in the People’s Republic of China, and for the prosecution of those found to have engaged in such unethical practices,
4. Demands an immediate end to the 14-year persecution of the Falun Gong spiritual practice by the Communist Party of China, and the immediate release of all Falun Gong practitioners and other prisoners of conscience,
5. Recommends that the European Union issue a travel warning for European citizens traveling to China for organ transplants informing them that the organ source for their operation may be a prisoner of conscience,
6. Recommends that the European Union publicly condemn organ transplantation abuses in China and ban the entry of those who have participated in illegal removal of human tissues and organs, prosecuting such individuals should they be found on EU territory”

Þá hefur fulltrúaðing Bandaríkjanna margsinnis samþykkt þingsályktunartillögur sem taka undir málstað Falun Gong iðkenda og fordæma ofsóknir á hendur þeim í Kína. M.a. árið 2010:

„Recognizing the continued persecution of Falun Gong practitioners in China on the 11th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners.“¹⁶

Undirritaður styður ekki fríverslunarsamning Íslands og Kína. Ef vilji Alþingis er til þess að

¹⁵European Parliament resolution on EU-China Relations (2005/2161(INI)) Sjá lið 66: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2006-0346&language=EN&ring=A6-2006-0257>

¹⁶<https://www.govtrack.us/congress/bills/111/hres605#overview>

samþykkja slíkan fríverslunarsamning við Kína, þá telur undirritaður eðlilegt; í ljósi mannréttindabrota stjórnar Alþýðulýðveldisins Kína á hendur saklausu fólki þar í landi að við fríverslunarsamning Íslands og Alþýðulýðveldisins Kína verði sérstakur kafli sem varði mannréttindamál þar í landi. Í þeim kafla skuli fordæma mannréttindabrot stjórnar Alþýðulýðveldisins Kína á hendur Falun Gong iðkendum, Uighurum, Tíbetum, mannréttinda lögmönnum o.fl. og nefna þau mannréttindabrot á blaði. Þá sé það skilningur okkar landsmanna á mannréttindahugtakinu að janvel þótt tiltekið ríki sé ekki í flokki lýðræðsiríkja heimsins teljist það hvorki ástæða né afsökun fyrir hrottalegum mannréttindabrotum heldur beri stjórnvöldum allra ríkja að virða grundvallar mannréttindi fólks, þ.m.t. að fólk sæti ekki ofsóknum og pyndingum vegna lífskoðana, trúar eða þjóðernis:

Samþykkt fríverslunarsamningsins ber ekki að skilja sem samþykki íslensku þjóðarinnar á neinum mannréttindabrotum sem framin eru í Alþýðulýðveldinu Kína.

Alþingi fordæmir mannréttindabrot stjórnar Alþýðulýðveldisins Kína m.a. á hendur borgurum sem þurfa að sæta pyndingum vegna lífskoðana, trúar eða þjóðernis. Þar á meðal ofsóknir á hendur Falun Gong iðkendum og Tíbetum.

Alþingi hvetur stjórn Alþýðulýðveldisins Kína og embættismenn alla þar í landi til að verja borgara sína gegn pyndingum, þrælkun og svokallaðri „endurmenntun“ í fangabúðum, líffærastuldum, og öðrum brotum sem geta aldrei samræmst virðingu fyrir mannhelgi, heilbrigðri samkennd manna á milli eða sammannlegum grundvallar siðferðisgildum.

Alþingi hvetur þá embættismenn Alþýðulýðveldisins Kína sem hafa vitneskju um mannréttindabrot, eins og pyndingar á hendur Falun Gong iðkendum, Tíbetum, mannréttinda lögmönnum eða öðrum hópum og einstaklingum, að upplýsa umheiminn um þá embættismenn sem tengjast þeim brotum og gera allt sem í þeirra valdi stendur til að sækja til saka gegnum viðeigandi ferla þá gerendur ofsókna og annarra mannréttindabrota.

Alþingi hvetur þá embættismenn Alþýðulýðveldisins Kína sem stunda slík mannréttindabrot sbr. 3. og 4. mgr. hér fyrir ofan að hætta slíkum aðgerðum nú þegar og upplýsa umheiminn um þær skipanir sem þeir hafa fengið um að fremja brotin og frá hverjum þær skipanir komu.

Alþingi styður mannréttindabaráttu þeirra hópa og einstaklinga sem njóta ekki grundvallar mannréttinda í Alþýðulýðveldinu Kína. Má þar helst nefna Falun Gong iðkendur, Tíbeta, Uighurar og mannréttinda lögmenn.

Sérstakt ákvæði um bann við kaupum á líffærum úr fólki frá Kína

Það vakti athygli undirritaðs að í viðauka IV með fríverslunarsamningi Íslands og Alþýðulýðveldisins Kína varðandi upprunavottorð ýmissa vara og afurða er í einum lið skilgreindur flokkur sem m.a. telur til „líffærafræðilegrar [vöru eða afurðar]“ (e. anatomical). Það hugtak er ekki sérstaklega skilgreint fyrir dýr en í flokki 9705 segir: „Dýrafræðileg, grasafraeðileg, bergfraeðileg, líffærafræðileg, ...“¹⁷¹⁸

Til að taka af allan vafa og til að skýra afstöðu Íslands til mannréttindabrota stjórnar Alþýðulýðveldisins Kína leggur undirritaður til að með þessum samningi fylgi bann sem verði lagt við kaupum á líffærum úr fólki frá Kína. Jafnvel þó einhverjir varnaglar kunni að vera í íslenskri löggjöf um líffæragjafir er algjör nauðsyn að leggja áherslu á alvarlega stöðu þessara mála í Kína (sbr. rök þess efnis í þessum kafla). Þá ber einnig að nefna að frumvarp liggur fyrir Alþingi um breytingu á lögum um brottmál líffæra, nr. 16/1991:

„Heimilt er að nema brott líffæri eða lífræn efni úr líkama látinna einstaklinga. Samþykki einstaklingur ekki að líffæri eða vefir úr líkama hans verði numin brott að honum látnum, til nota við læknismeðferð annars einstaklings, skal hann koma þeirri afstöðu sinni á framfæri við nánasta aðstandanda eða skrá á annan hátt sem tryggt þykir að muni koma fram við andlát hans.“¹⁹

Vegna möguleikans á nánari samvinnu Íslands við Alþýðulýðveldið sbr. fríverslunarsamninginn og í ljósi ákalls alþjóðasamfélagsins á rannsókn á líffærastuldum í Kína (Sbr. m.a. Doctors Against Forced Organ Harvesting, yfirlýsingu Desmond Tutu, þingsályktun Evrópuþings og fulltrúaþings BNA), stöðu líffæragjafamála í Alþýðulýðveldinu Kína að öðru leiti og ástundun dauðarefsinga í Alþýðulýðveldinu, er gríðarlega mikilvægt að tekið verði á þessu álitaefni með skýrum hætti í íslenskri löggjöf.

Í kjölfar *Matas-Kilgour report*, sem rakin verður sérstaklega hér fyrir neðan, hefur Evrópuþingið brugðist við með margvíslegum hætti og hefur margsinnis fengið á sinn fund David Matas og David Kilgour til að svara spurningum þingmanna. Eins og fyrr var getið nefnir Evrópuþingið í þingsályktun frá árinu 2006 sérstaklega: „[Evrópuþingið] is concerned about reports that organs of detained Falun Gong practitioners have been removed and sold to hospitals“²⁰

¹⁷Sjá yfirskrift 9705 í Kafla 97:

http://www.utanrikisraduneyti.is/media/Andlitsmyndir/Annex_IV_final_IS.pdf

¹⁸Á ensku, heading 9705, chapter 97: <http://www.mfa.is/media/fta-kina/Vidauki-IV---Upprunareglur-um-framleidsluvorum.pdf>

¹⁹<http://www.althingi.is/altext/143/s/0034.html>

²⁰Sjá lið 66: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2006-0346&language=EN&ring=A6-2006-0257>

Þá hafa *Special Rapporteur on torture* og *Special Rapporteur on religious freedom* frá SP sameiginlega sent fyrirspurnir til kínverskra yfirvalda í ágúst árið 2006 og árið 2008 til að gefa yfirvöldum þar í landi færi á að útskýra hvernig standi á aukningu á sölu líffæra og hvaðan líffærin komi en bein fylgni er milli hinnar gríðarmiklu aukningar á framboði og sölu á líffærum í Alþýðulýðveldinu og upphafi ofsókna á hendur Falun Gong iðkendum þar í landi. Ekkert svar hefur borist frá kínverskum yfirvöldum.

Mörg lönd hafa gripið til lagasetningar varðandi svonefnda líffærastuldi (e. Organ Harvesting) í Kína. Má helst nefna Spán, Ísreal, Taívan og Ástralíu.²¹ Sjá nánar í viðauka II. Þá má einnig nefna að alþjóðlegu læknasamtökin (e. World Medical Association) hafa nýlega bætt við klausu í skilmálum sínum sem kveður á um að líffæragjafir frá föngum séu ekki réttlætanlegar (e. acceptable) í löndum þar sem dauðarefsingar eru stundaðar.²²

Þá má einnig nefna áskorun DAFOH (e. Doctors Against Forced Organ Harvesting), alþjóðlegra samtaka lækna, en hálf milljón manna hefur þegar skrifað undir áskorunina²³ þ.á.m. alþingismenn frá Íslandi, borgarfulltrúar og borgarstjóri Reyjavíkur. Yfirlýsing Desmond Tutu og Chen Guangchenh á þessu ári sem ber heitið: A Year for Human Rights in China²⁴ tekur undir þessi sjónarmið.

Matas-Kilgour rannsóknin

Fyrirnefnd rannsókn David Kilgour og David Matas²⁵ nefnist *Kilgour-Matas report*, stundum kölluð *Bloody Harvest*.²⁶

²¹ Sjá í Viðauka I, samantekt á ensku um alþjóðleg viðrögð við líffærastuldi (Organ Harvesting) í Kína. „Summary of International Responses to Organ Harvesting in China”

²²<http://www.wma.net/en/30publications/10policies/o3/>

²³<http://www.shric.org/blog/2013/10/23/dafoh-announcement-half-a-million-signers-support-global-petition-to-the-united-nations/>

²⁴ „Uncounted numbers of prisoners, credibly believed to be in the tens of thousands, have been executed and their organs harvested for sale – a practice so despicable it is nearly beyond our comprehension. [...] that the dream of China can be realized only when its citizens’ universal human rights and dignity are upheld and respected. And that the laogai system and the brutal repression of freedom of thought, conscience and speech, the most basic of human rights, will remain a festering sore on the China dream until it is addressed and removed.” – Desmond Tutu and Chen Guangcheng: A Year for Human Rights in China

²⁵ <http://web.archive.org/web/20070927225011/http://www.cjlsa.ca/cdavid.html>

²⁶ <http://organharvestinvestigation.net/>

David Matas er mannréttindalögmaður sem útskrifaðist frá Oxford. Hann hefur starfað á ýmsum vettvangi fyrir samtök, setið sem meðlimur sendinefndar Kanada hjá allsherjarþingi Sameinuðu þjóðanna, kennt lögfræði í háskólum og fengið tilnefningu til friðarverðlauna Nóbels²⁷ ásamt David Kilgour fyrir fyrrnefnda skýrslu árið 2011.²⁸ David Kilgour er lögmaður sem starfaði lengi vel sem þingmaður kanadíska þingsins, gengdi stöðu *Secretary for state* frá árinu 1997 til 2003 og hefur verið mjög opinskár í afstöðu sinni sem baráttumaður mannréttindamála.²⁹ T.a.m. gagnrýndi hann harðlega sem *Secretary of State* „farm-invesion policy“ Mugabe í Zimbabwee árið 2001.

Niðurstaða rannsóknar þeirra er að meginþorri þeirra líffæra sem seld eru opinberlega í Kína komi úr Falun Gong iðkendum og öðrum samviskuföngum án samþykkis þeirra. Þá eru þær aðgerðir sem taka líffærin úr fólki framkvæmdar á kerfsbundinn hátt og eru stundaðar með vitneskju og leyfi yfirvalda í Kína. Þá bera sumir háttsettir embættismenn beina ábyrgð á þeim kerfisbundna líffærastuldi³⁰.

Aðferðafræði Matas og Kilgour ásamt sönnunarmati sem leiddi til þessarar afdráttarlausu niðurstöðu er útskýrð til hlítar í lið, D³¹, E³² og F³³ í skýrslu þeirra. Sannanir margvíslegar og frá ýmsum vinklum. Til að nefna örfá atriði þá má vísa í hin ýmsu símtöl í fjölda sjúkrahúsa og til embættismanna (með hjálp túlks) sem taldir voru vita af þessu fyríkomulagi. Margir þeirra svöruðu því til að líffærin kæmu úr Falun Gong iðkendum.³⁴

²⁷ <http://www.winnipegfreepress.com/local/crusader-up-for-nobel-prize-84838397.html>

²⁸ <http://www.uwinnipeg.ca/index/hrsj-bio-matas>

²⁹ <http://www.david-kilgour.com/bio.php>

³⁰ http://organharvestinvestigation.net/report0701/report20070131.htm#_Toc160145147

³¹ http://organharvestinvestigation.net/report0701/report20070131.htm#_Toc160145107

³² http://organharvestinvestigation.net/report0701/report20070131.htm#_Toc160145108

³³ http://organharvestinvestigation.net/report0701/report20070131.htm#_Toc160145109

³⁴ , , Caller: I want to know how long [the patients] have to wait [for a liver transplant].

Dr. Dai: The supply of organs we have, we have every day. We do them every day.

Caller: We want fresh, alive ones.

Dr. Dai: They are all alive, all alive...

Caller: I heard some come from those who practise Falun Gong, those who are very healthy.

Dr. Dai: Yes, we have. I can't talk clearly to you over the phone.

Caller: If you can find me this type, I am coming very soon.

Dr. Dai: It's ok. Please come."

David Matas, Esq og Hon. David Kilgour, Esq. BLOODY HARVEST Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China, Appendix 14. Transcript of Telephone Investigations. 2007. Tekið frá:

Þá hefur fyrrverandi eiginkona læknis í Kína sömuleiðis jatað í viðtali við David Kilgour í Bandaríkjunum að eiginmaður hennar hafi framkvæmt aðgerðir á Falun Gong iðkendum til að fjarlægja hornhimnur sem síðan voru seldar.³⁵ Lýsingar iðkenda á pyndingum sem þeir hafa þurft að þola hafa iðulega falið í sér að tekið var úr þeim blóðsýni.

Frekari samantekt á Matas-Kilgour rannsókninni, þar sem m.a. kemur fram hin gríðarmikla aukning líffærasölu í Kína eftir að ofsóknir á hendur Falun Gong iðkendum hófust er að finna í Viðauka I. Þar er m.a. vitnað í heimildir kínverskra yfirvalda sem sýna að að frá árunum 1994-1999 voru framkvæmdar 18,500 líffæraígræðslur en 60.000 frá árunum 2000-2005.

http://organharvestinvestigation.net/report0701/report20070131.htm#_Toc158023107

³⁵ „**Kilgour:** Your ex-husband started to take organs from Falun Gong practitioners starting from when?

Annie: At the end of 2001, he started to operate, but he didn't know these live bodies were Falun Gong practitioners. He got to know that in 2002.

[...]

Kilgour: Were these people alive or dead?

Annie: Usually these Falun Gong practitioners were injected with a shot to cause heart failure. During the process these people would be pushed into operation rooms to have their organs removed. On the surface the heart stopped beating, but the brain was still functioning, because of that shot.

[...]

Kilgour: So he would take corneas of these people, then what happened to these people?

Annie: These people were pushed to other operation rooms for removals of heart, liver, kidneys, etc. During one operation when he collaborated with other doctors, he learned they were Falun Gong practitioners, that their organs were removed while alive, and that it was not just cornea removal – they were removing many organs.

Kilgour: They did it in different rooms, didn't they?

Annie: In the later period of time, when these doctors cooperated together, they started doing the operations together. At the beginning, fearing information could leak out, different organs were removed by different doctors in different rooms. Later on, when they got money, they were no longer afraid anymore. They started to remove the organs together.-

http://organharvestinvestigation.net/report0701/report20070131.htm#_Toc158023111

Ofsóknir Falun Gong iðkenda hófust árið 1999 og tala fanga sem teknir voru af lífi hefur ekki breyst skv. yfiröldum og er aukningin því algjörlega óútskýrð, sbr. spurningar *Special Rapporteur on torture* og *Special Rapporteur on religious freedom* frá SP á bls. 8. Þá er biðtími eftir líffæri óeðlilega stuttur, allt frá nokkrum dögum í nokkrar vikur.³⁶

Í kjölfar þessarar rannsóknar Matas og Kilgour hafa læknasamtökin *Doctors Against Forced Organ Harvesting*³⁷ safnað 447,498 undirskriftum (talan var fengin 1. okt. árið 2013) sem er beint til SP þar sem líffærastuldir úr Falun gong iðkendum í Kína eru fordæmdir og *Human Rights High Commissioner* er hvattur til að hefja frekari rannsókn sem upplýsir hverjir það eru sem ábyrgð beri á tédum líffærastuldum og hann krefjst þess að stjórn Alþýðulýðveldisins Kína hætti ofsóknum sínum á hendur Falun Gong iðkendum.³⁸

Lýsingar sem undirritaður hlýddi á persónulega

Hér rekur undirritaður lýsingar sex Falun Gong iðkenda sem undirritaður talaði persónulega við í gegnum netið þann 7. nóv. s.l. með hjálp túlks. Þau eiga það öll sameiginlegt að búa í Evrópu í dag en hafa þurft að sæta margvíslegum pyndingum stjórnvalda Alþýðulýðveldisins Kína áður en þau flúðu. Þessir einstaklingar mundu allir eftir því að tekið hafi verið úr þeim blóðsýni á meðan þeir voru í haldi.

Undirritaður punktaði hjá sér lýsingar þessa sérstaklega fyrir þessa umsögn. Einn var sleginn svo fast að hann missti heyrn og gefið raflost á viðkvæma staði líkams, t.a.m. á andlituð. Sum látnir beygja sig niður á hækjum sér með hendur teygðar fyrir aftan bak einhvern veginn, klukkutímum saman þannig að það var óbærilega sárt og þau urðu að standa upp. Þau vissu hins vegar að verðir voru með glóandi sigarettu stubba yfir höndum þeirra þannig að þegar þau stóðu upp brenndu þau sig á glóðinni. Það var svo sársaukafullt til lengri tíma að sitja á þennan hátt að þau völdu oft á tíðum sigarettubrunann sjálf viljug. Í þrælkunarbúðum þurfti einn að bera mjög þunga steina í 16 tíma á dag og var neitað um svefn. Á aðra konu var sigað illa höldnum eiturlyfjafíklum sem gengu í skrokk á henni. Hún var bundin við staur og bundin við rúm vikum saman og teygt á líkamanum á meðan opnað var út í kuldann. Fætur eins iðkanda voru þvingaðir í sundur á það hrottafenginn hátt að gera varð síðar tvær aðgerðir á fótleggjunum hans og skipta um lærlegg, en hann hefur ekki náð bata. Þá voru sumir látnir sitja á pínulitum óþægilegum stólum og horfa róg um iðkunina þeirra í 16 tíma samfellt á sólarhring stundum lengur. Meðan á pyndingum stóð voru sumir niðurlægðir með spegli, þar sem þeir voru svo illa á sig komnir og fangaverðir gerðu lítið úr þeim og hlógu. Þá fóru nokkrir af iðkendunum á einhverjum tímamarki í hungurverkfall og var í framhaldinu sprautað upp í þau mat með slöngu í gegnum munninn. Stundum gerðist það að sprautað

³⁶Sjá frekar í viðauka I

³⁷<http://www.dafoh.org/>

³⁸<http://www.dafoh.org/petition-to-the-united-nations/>

var ælum og þvagi upp í þau. Einn iðkandinn var sprautaður (e. forced fed) með áfengi því fangaverðirnir vita að iðkendur drekka ekki áfengi. Hann kastaði upp margsinnis. Sérhver þessara einstaklinga höfðu verið bundin við járnstól í óþægilegri stellingu á einhverjum tímavarki með þeim hætti að það tók að blæða úr fótleggjum og þeir þurftu að sitja í storknuðu blóði sínu allan daginn. Þau tóku öll eftir því að að fangaverðir og starfsfólk tóku aðeins blóðsýni úr Falun Gong iðkendum.

Pyndingaáferðunum á hendur Falun Gong iðkendum eru gerð greinargóð skil í Viðauka III sem fylgir með þessari umsögn.

Þagnarskylduákvæði 59. gr. getur tekið til allra upplýsinga

Í engum fríverslunarsamningum sem EFTA hefur gert er að finna sambærilegt ákvæði. Hér er um að ræða að skýlaust samþykki þurfi að liggja fyrir (hjá þeim aðila sem veitir upplýsingarnar) áður en aðgangur er veittur að tiltektum gögnum með jafn rúmri skilgreiningu og raun ber vitni („allar upplýsingar [...] í tengslum við innflutning, útflutning ... og í öðrum skyldum málum“). Ekki er farið fram á að þau gögn sem trúnaður eigi að gilda um séu merkt sérstaklega til að þagnarskyldu ákvæðið geti átt við.

Eina undantekning EFTA varðandi svipaða þagnarskyldu er samningur við Hong Kong, heimild þess ákvæðis er þó ekki eins rúm (og liggur fyrir í frumvarpi þessu) og upplýsingarnar þurfa að vera skilgreindar fyrir fram sem trúnaðargögn; vera merktar sem slíkar.

59. gr. Frumvarpsins hljóðar svo: „*Þagnarskylda.*“

Samningsaðilar skulu fara með allar upplýsingar, sem veittar eru í tengslum við innflutning, útflutning og í öðrum skyldum málum, sem trúnaðarmál og skal gilda um þær þagnarskylda í samræmi við landslög hvors samningsaðila um sig. Stjórnvöld samningsaðila skulu ekki veita þess háttar upplýsingar án skýlauss samþykkis þess aðila eða yfirvalds sem lætur þær í té.“

Erfitt er að segja með vissu yfir hvaða upplýsingar þagnarskylda þessi nær ekki. Hægt er að túlka allar upplýsingar sem veittar eru frá stjórn Alþýðulýðveldisins Kína og fyrirtækja sem upplýsingar sem flokkast undir þagnarskylduna. Þá má ímynda sér mál X sem er þó skylt

máli Y, þar sem Y er mál sem tengist, innflutnings- og útflutningsmálum. Mál X skv. núhljóðandi ákvæði má túlka á þann veg að það falli undir ákvæðið. Ákvæðið virðist geta átt við einfaldlega allar upplýsingar sem stjórn Alþýðulýðveldisins Kína veitir íslenskum stjórnvöldum.

Engin ástæða er til að hafa þessa sérstöku þagnarskyldu í þessu frumvarpi enda ættu íslensk lög nú þegar að fjalla um meðferð slíkra upplýsinga enda gera þau það. Sé hins vegar vilji Alþingis að hafa slíka þagnarskyldu þrátt fyrir önnur íslensk lög er full ástæða til að þrengja ákvæðið og tiltaka sérstaklega að undir þá grein falli ekki upplýsingar sem varði mannréttindabrot stjórnar Alþýðulýðveldisins Kína.

Hæstvirtur utanríkisráðherra, Gunnar Bragi Sveinsson, nefndi sérstaklega þær upplýsingar sem þessi grein á að taka til við fyrstu umræðu þingsins við meðferð frumvarpsins. Þar svarar hann spurningu Birgittu Jónsdóttur: „Ég vil bara koma einu atriði að af því að hér var spurt um 59. gr., þ.e. varðandi þagnarskylduna. Þar er fyrst og fremst átt við upplýsingar sem koma fram við tollafgreiðslu og slíkt, upplýsingar um einstök fyrirtæki. Um það snýst þessi þagnarskylda, í rauninni ekki neitt annað.“

Jafnvel þó hæstvirtur utanríkisráðherra sé framsögumaður frumvarpsins þá kom þessi afmörkun á þagnarskylduákvæðinu ekki fram í framsöguræðu hans og hefur því litla sem enga þýðinga sem lögskýringargagn á greininni sjálfri. Greinin sjálf er þó mjög afdráttarlaus og ólíklegt að slík afmörkun í framsöguræðu hefði skipt máli í þessu samhengi.

Ljóst er af orðum hæstvirts utanríkisráðherra að meiningin með ákvæðinu er allt önnur en ákvæðið segir. Auðveldlega er hægt að þrengja ákvæðið í samræmi við ummæli ráðherrans á þann veg að ákvæðið taki einungis til upplýsinga sem komi fram við tollafgreiðslu og á við um einstök fyrirtæki.

Í öllu falli getur enginn andmælt því að ákvæðið ætti alls ekki að varða upplýsingar um þau alvarlegu mannréttindabrot sem rakin hafa verið hér á undan. Þá er gott til að taka af allan vafa og einnig til að Ísland skýri sína afstöðu í garð mannréttindamála Kína að bætt verði við sérstöku ákvæði í þessari grein. Þar verði tiltekið að greinin eigi ekki við um upplýsingar sem varði mannréttindabrot stjórnar Alþýðulýðveldisins. Þar sem „líffærafræðileg“ (e.anatomical) „afurð“ á við um vörur sem fríverslunarsamningurinn fjallar um og í ljósi ákalls alþjóðasamfélagsins sem fordæmir líffærastuldi stjórnar Alþýðulýðveldisins Kína væri afar óheppilegt að sleppa slíkum varnagla að undir þagnarskylduna falli engar upplýsingar sem varði mannréttindabrot stjórnar Alþýðulýðveldisins Kína, þar á meðal líffærastuldi úr Falun Gong iðkendum. Legg ég því til að verði þessari grein haldið verði henni breytt á þennan hátt:

Samningsaðilar skulu fara með upplýsingar einstakra fyrirkæja, sem veittar eru í tengslum við innflutning, útflutning og sem komi fram við tollafgreiðslu og sem eru merktar sérstaklega sem trúnaðargögn sem trúnaðarmál og skal gilda um þær þagnarskylda í samræmi við landslög hvors samningsaðila um sig. Stjórnvöld samningsaðila skulu ekki veita þess háttar upplýsingar án samþykkis þess aðila sem lætur þær í té.

Þrátt fyrir 1. og 2. mgr. 59. gr. nær þagnarskylda í engu tilfelli yfir upplýsingar sem varða, eða geta varðað samkvæmt skynsömu mati, mannréttindabrot í Alþýðulýðveldinu Kína, þ.m.t. líffærastuldi úr Falun Gong iðkendum eða upplýsingar sem varða þrælkunarbúðir eða upplýsingar sem geta gefið ástæðu til að ætla að vörur komi úr þrælkunarbúðum. Hvers konar upplýsingar um njósnir falla aldrei undir þagnarskyldu.

Falun Gong iðkunin

Þar sem ofsóknir Alþýðulýðveldisins í Kína á hendur Falun Gong iðkendum fela meðal annars í sér kerfisbundna áróðursherferð til að rægja iðkunina, telur undirritaður mikilvægt að gera iðkuninni örlítil skil í þessari umsögn. Ekki síst vegna þess að hann hefur reynt af henni sjálfur.

Falun Gong er hugleiðslu- og sjálfræktarkerfi með djúpar rætur í andlegum kínverskum hefðum eins og búddisma og daóisma. Falun Gong er skilgreind sem sérstök lífsskoðun sem er ekki hluti af búddatrú þó hún eigi rætur að rekja til hvorutveggja búdda- og daó skólans. Falun Gong iðkunin er öllum opin, án endurgjalds eða nokkurra kvaða og ekki er um að ræða skráðan hóp, félagatal, kirkju eða gjöld.³⁹

Eins og í fjölmörgum austurlenskum iðkunarkerfum, er markmið Falun Gong að finna innri visku og frið, þroska og bæta innri mann og skapgerð og taka með jafnaðargeði því sem að höndum ber. Í sögulegu samhengi er bæði hægt að líta á iðkunina sem qigong kerfi, þar sem tilgangurinn eru æfingar sem bæta heilsu og líðan eða sem sjálfsræktarkerfi (xiulian) þar sem tilgangurinn er andleg uppljómun sem felst í uppgötvun síðalögmála heimsins.⁴⁰

Grundvallargildi Falun Gong/Falun Dafa iðkunarinnar eru, sannleikur, kærleikur og þolgæði (Zhen, Shan, Ren á kínversku: 真、善、忍). Hugmyndafræðin gerir ráð fyrir því að þessi gildi séu á sama tíma grunneiginleikar alheimsins og þess vegna mikilvægustu viðmið lífsins og iðkunarinnar.⁴¹

Mikilvægt einkenni iðkunarinnar er efling síðvitundar í samræmi við skilning hvers og eins á grunngildunum sannleika, kærleika og þolgæði. Ekki er leyfilegt taka við greiðslu fyrir að

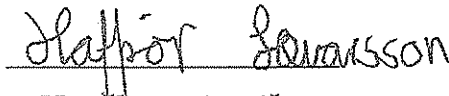
³⁹Zhao Yuezhi, Falun Gong, Identity, and the Struggle over Meaning Inside and Outside China, in "Contesting Media Power: Alternative Media in a Networked World," Nick Couldry and James Curran (ed.), (Lanham, MD: Rowman & Littlefield, 2003).

⁴⁰Penny, Benjamin "The Religion of Falun Gong," (University of Chicago Press, 2012)

⁴¹Li Hongzhi, Zhuan Falun, (New York, NY: The Universe Publishing Company, 1999).

kenna æfingarnar í neinu formi né breyta þeim og/eða hugmyndafræðinni (þ.m.t. að búa til pólitíska hreyfingu úr iðkuninni) Iðkendur eru friðsamir og taka hvorki líf annarra né beita ofbeldi jafnvel þótt á þá sé ráðist. Þeir leitast við að losa sig við fíknir og neikvæðar tilhneigingar eins og græðgi, afbrýðissemi og öfgamennsku og uppgötva hver og einn sína eigin leið með umrædd gildi að leiðarljósi.^{42,43}

Virðingarfyllst,
Hafþór Sævarsson



Handlangari smíðs,
stjórnarformaður Unseen ehf.,
Iaganemi HÍ,
einn stofnenda samtaka Falun Gong iðkenda á Íslandi.

⁴²Li Hongzhi, *Zhuan Falun*, (New York, NY: The Universe Publishing Company, 1999).

⁴³Omby, David. *Falun Gong and the Future of China*. bls. 93, 102.

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einn stofnenda samtaka Falun Gong iðkenda á Íslandi.

⁴²Li Hongzhi, Zhuan Falun, (New York, NY: The Universe Publishing Company, 1999).

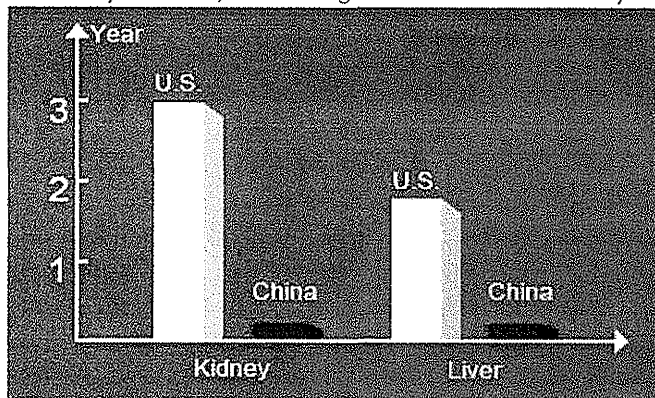
⁴³Ownby, David. Falun Gong and the Future of China, bls. 93, 102.

Viðauki I

Summary of Key Evidence on Organ Harvesting of Falun Gong practitioners in China

- **Short waiting time:** On the websites of China's organ transplant centers, they claim that a matching organ can be found within 2-4 weeks or even days¹²³. In other countries, it takes years. This implies that they have a huge bank of living people, from whom organs can be harvested at any time.

For kidney and liver, the waiting time in US is about 2-3 years, while in China 1-4 weeks



- **No effective organ donation system:** Due to traditional belief, most Chinese prefer to keep the body intact after death, so voluntary organ donation in China is rare. The Vice Minister of Health in China, Huang Jiefu, admitted repeatedly that most (90%+) of the organs China uses for transplant come from death-row prisoners.
- **Boom in organ transplant business matches the timeline of persecution of Falun Gong:** Chinese government statistics show that 18,500 organ transplants were performed in China between 1994 and 1999, and 60,000 organ transplants between 2000-2005⁴. (In 2006, the China

¹ Average waiting time for a liver in *Oriental Organ Transplant Center in Tianjin* is 2 weeks. <http://web.archive.org/web/20060207021805/http://www.ootc.net/>

² Average waiting time for a liver in *Organ Transplant Institute of the People's Liberation Army in Shanghai* is 1 week. <http://web.archive.org/web/20050210151434/www.transorgan.com/apply.asp>

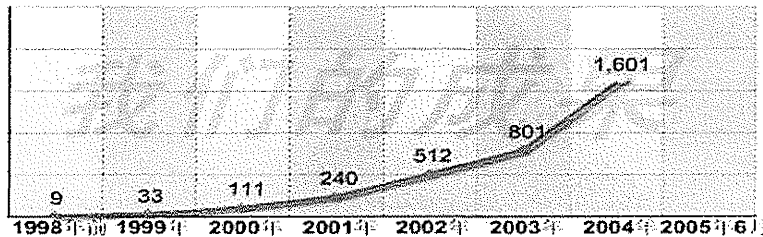
³ Waiting time for a liver or kidney in *China International Transplantation Network Assistance Center* is 1-4 weeks. <http://web.archive.org/web/20041023183012/zoukiishoku.com/cn/jueding/index.htm>

⁴ David Matas & David Kilgour, "Bloody Harvest: Revised Report into Allegations of

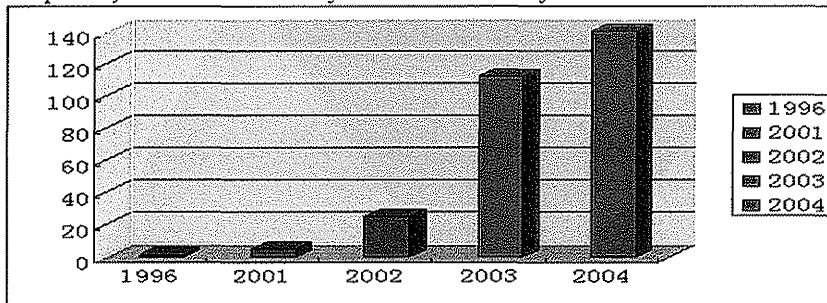
Daily⁵ reported 20,000 transplants per year in China.) But there wasn't any increase in the number of executed prisoners in China between these two six-year periods. The huge increase in organ transplants occurred not long after the persecution of Falun Gong began in 1999.

- **Boom in organ transplant business matches the timeline of persecution of Falun Gong:** From 1999 to 2006, the number of transplant centers increased by 300% from 150 to 600 centers⁶ in China. Such an expansion in the infrastructure suggests confidence in a plentiful supply of organs into the future, even without a public organ donation program. Death row sentences might not explain such confidence, but the Laogai system with hundreds of thousands of incarcerated Falun Gong practitioners would certainly foster such confidence in an 'endless' supply.

Example 1: Number of completed liver transplant surgeries published on the website of *Tianjin Oriental Organ Transplant Center* in 2004⁷. The center claimed its quantity was No. 1 in the world.



Example 2: Number of completed liver transplant surgeries published on the website of the No. 2 Hospital of the Second Military Medical University⁸



The number of transplants increases while the number of executions decreases. While math

Organ Harvesting of Falun Gong Practitioners in China", Jan. 31, 2007
<http://organharvestinvestigation.net/report0701/report20070131.htm#Toc160145139>

⁵ http://www.chinadaily.com.cn/china/2006-05/05/content_582847.htm

⁶ Bing-Yi Shi, Li-Ping Chen, "Regulation of Organ Transplantation in China: Difficult Exploration and Slow Advance", *The Journal of the American Medical Association*, July 27, 2011 <http://jama.jamanetwork.com/article.aspx?articleid=1104134>

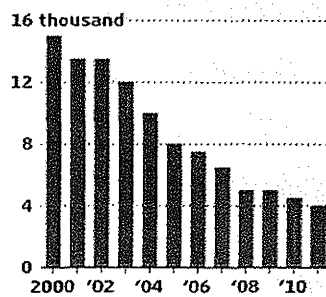
⁷ <http://web.archive.org/web/20060207021805/http://www.ootc.net/>

⁸ http://web.archive.org/web/20050317130117/http://www.transorgan.com/about_g_intro.asp

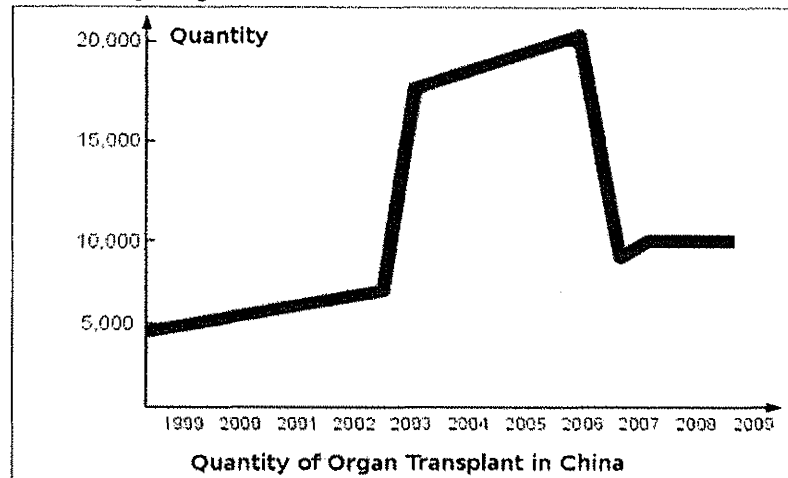
doesn't add up, Falun Gong factor perfectly explained the trend. The following is a descriptive graph using data from publication in *The Lancet* 2008 by Jiefu Huang⁹, former Deputy Minister of Public Health of China, and interviews on Chinese media given by Bing-Yi Shi¹⁰, director of the *Organ Transplant Center of PLA* (People's Liberation Army). The number of 20,000 transplants per year is also confirmed by *China Daily*¹² article on May 5, 2006. (Note: Organ harvesting from Falun Gong practitioners was first exposed in 2006. Exposure may have led the Chinese regime to become more restrained or to simply manipulate the numbers it was reporting after 2006.)

Death Row

Estimated number of executions in China



Source: Dui Hua Foundation
The Wall Street Journal



- **Phone recording:** Investigators called China's hospitals to inquire about potential organ transplant for sick relatives. Some bold and greedy doctors in quite a few hospitals admitted that they have organs from Falun Gong practitioners, and these organs are healthier (than those from criminals)¹³.
- **Suspicious physical examination:** Many Falun Gong practitioners were administered costly blood tests and physical examinations while in labor camps or prisons. These tests were not given for the

⁹ Huang J, Mao Y, Millis JM. "Government policy and organ transplantation in China", *Lancet*. 2008 Dec 6;372(9654):1937-8.
<http://www.ncbi.nlm.nih.gov/pubmed/18930537>

¹⁰ Peng Wang, "High Standard for Organ Transplantation", *Health News*, March 2, 2006,
<http://web.archive.org/web/20060826070646/http://www.transplantation.org.cn/html/2006-03/394.html>

¹¹ You Xu, "Donor shortage is a bottleneck restricting the organ transplant", *ScienceNet*, June 15, 2007, <http://paper.sciencenet.cn/html/showsbnews1.aspx?id=182075>

¹² Zhang Feng, "New rule to regulate organ transplants", *China Daily*, May 5, 2006,
http://www.chinadaily.com.cn/china/2006-05/05/content_582847.htm

¹³ David Matas & David Kilgour, "Bloody Harvest: Revised Report into Allegations of Organ Harvesting of Falun Gong Practitioners in China", Jan. 31, 2007
<http://organharvestinvestigation.net/>

benefit of their health, as they were often severely tortured, but rather for assessing their candidacy and building a database for organ harvesting.

- **Extreme policies:** The former head of the Communist regime Jiang Zemin issued the genocidal directives of “ruin their reputations, cut off their financial resources, and destroy them physically”, “no means are too excessive to exterminate Falun Gong”, and “beating [Falun Gong people] to death is counted as suicide” in 2001. These extreme policies make Falun Gong the most vulnerable group to vicious abuses and forced organ harvesting.

Viđauki II

Summary of International Responses to Organ Harvesting in China

1. The United Nations

After finding Matas & Kilgour report on organ harvesting of Falun Gong practitioners convincing, UN Special Rapporteur on torture and Special Rapporteur on religious freedom jointly sent a request in August 2006 and again in 2008 to the Chinese government to ask them to explain the source of extra organs because the significant increase in organ transplant operations coincided with the beginning of the persecution of Falun Gong. They received no response from the Chinese government.

2. Israel Transplant Law - Organ Transplant Act, 2008

Israel was unique in that transplant tourism patients obtained almost full reimbursement from insurance companies or sick funds before this law was enacted.

According to Dr. Jacob Lavee: "The law (Organ Transplant Act passed in 2008) defines precisely the circumstances of organ trade and trafficking and declares the buying, selling or brokerage in organs as a criminal offence punishable by three years in jail together with a large fine, whether performed within or outside Israel. It clearly bans the reimbursement of organ transplantation anywhere outside of Israel if the procurement of the organ and its transplantation has been performed contrary to the law of that country and if stipulations of the Israeli law regarding organ trade are contravened.

Orders banning insurance companies and sick funds from reimbursing illegal transplant tourism went into effect shortly after the new law has been enacted, which brought transplant tourism of Israeli patients to illegal venues where organ trade took place to a halt. Thus, for example, the traveling of Israeli patients to China has stopped completely ever since." (See appendix for the full text)

3. Taiwan Legislation

On November 22, 2012, the Taiwanese Legislative Yuan Voted for Budget Resolution Concerning Medical Organ Transplantation, which is legally binding for the Department of Health.

The Department of Health will require major medical institutions and physicians to register the country of all organ sourcing and the hospital information (including surgeon identification) where patients received their organ transplants abroad when they apply for postoperative health insurance payments after returning home. (See appendix for the full text)

4. Law in Spain

The new Criminal Code passed in November 2009 includes the illegal trafficking of human organs as a felony. The new Criminal Code establishes penalties of up to twelve years in prison for people who encourage, promote, facilitate or advertise the procurement of illegal human organs trafficking. (See appendix for the full text)

5. Australian Senate Motion

The Australian Senate unanimously passed a motion on March 21, 2013 urging the government to “support the UN and Council of Europe initiatives to oppose the practice of organ harvesting.”

The motion specifically mentioned: “the United States of America (US), from June 2011, has included on its online non-immigrant visa application Form DS-160 the question, 'Have you ever been directly involved in the coercive transplantation of human organs or bodily tissues?’” (See appendix for the full text)

6. Australian Hospitals Bar Training Chinese Transplant Surgeons

According to Australian Associated Press in December 2006: “Queensland's two major organ transplant hospitals have banned training Chinese surgeons because of concerns that China takes organs from executed prisoners.

Health Minister Stephen Robertson revealed the move in a letter tabled in parliament this week in response to a petition supporting the Falun Gong spiritual movement.” (See appendix for the full article)

7. The policy of the World Medical Association includes now a paragraph that organ donation from prisoners is not acceptable in countries where the death penalty is practiced

WMA Statement on Organ and Tissue Donation

<http://www.wma.net/en/30publications/10policies/o3/>

Adopted by the 63rd WMA General Assembly, Bangkok, Thailand, October 2012

“In jurisdictions where the death penalty is practised, executed prisoners must not be considered as organ and/or tissue donors. While there may be individual cases where prisoners are acting voluntarily and free from pressure, it is impossible to put in place adequate safeguards to protect against coercion in all cases.”

Appendix

Israel:

Opinion Article "Saving Lives Locally" from Dr. Jacob Lavee:
<http://www.ynetnews.com/articles/0,7340,L4295852,00.html>

The original texts of Organ Transplant Act, 2008:
http://www.declarationofistanbul.org/index.php?option=com_content&view=article&id=267:israel-transplant-law-organ-transplant-act-2008&catid=83:legislation&Itemid=130

Full texts attached.

Taiwan Legislation

Translation:
<http://www.dafoh.org/taiwan-reacts-to-unethical-organ-harvesting-in-china/>

On November 22, 2012, the Taiwanese Legislative Yuan Voted for Budget Resolution Concerning Medical Organ Transplantation, which is legally binding for the Department of Health.

(66) On May 24, 2012, the 2011 Country Human Rights report of the US State Department mentioned organ transplant in China and that media and human rights organizations have continuously reported cases of live organ harvesting from Falun Gong practitioners and Uighurs.

According to the statistics of the Taiwanese Department of Health, Taiwanese people accepted organ transplants from overseas with 1,754 people having gone to China, accounting for 88.6% of all overseas transplants between 2000 and 2011.

From 2005 to 2011, the National Health Insurance paid as high as 7,734,540,000 NT dollars (~250 million US\$) for postoperative anti-rejection drugs. The Department of Health has no legal ground to request organ transplant recipients register where they received a transplant organ abroad after returning home for postoperative healthcare.

This may contribute to organ recipients receiving their organs from unknown origins, or even from unethical organ sources, becoming unknowing accomplices in illegal organ harvesting.

Yet, after returning to Taiwan recipients may still have the benefits of national health insurance and receive payments for anti-rejection drugs. This is a significant problem in the legislation.

Therefore, a budget resolution has been drafted stating that within three months, the Department of

Health will require major medical institutions and physicians to register the country of all organ sourcing and the hospital information (including surgeon identification) where patients received their organ transplants abroad when they apply for postoperative health insurance payments after returning home.

This is to support transparency of foreign organ transplantations and ensure the safety of transplant recipients.

Chinese original text is here:

<http://www.president.gov.tw/PORTALS/0/BULLETINS/PAPER/PDF/7071-2.PDF>

On page 715 of the budget resolution document. Page 715 and 716 are enclosed.

Law in Spain

The Spanish and English (translation) versions of the law are enclosed.

The Spanish version is available on the official web site of Spanish National Transplant Organization, an institution belonging to the Spanish Ministry of Health and Consumption.

<http://www.ont.es/prensa/NotasDePrensa/Introducci%C3%B3n%20en%20el%20C%C3%B3digo%20Penal%20del%20tr%C3%A1fico%20ilegal%20de%20C%C3%B3rganos.pdf>

Australia Senate Motion:

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansards%2Feb494847-1a67-4abb-92d5-f64445a301ee%2F0095;query=Id%3A%22chamber%2Fhansards%2Feb494847-1a67-4abb-92d5-f64445a301ee%2F0000%22>

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansards%2Feb494847-1a67-4abb-92d5-f64445a301ee%2F0000%22>

Full texts attached.

Australian Hospitals Bar Training Chinese Surgeons

<http://www.smh.com.au/news/National/Hospitals-ban-Chinese-surgeon-training/2006/12/05/1165080933418.html>

Hospitals ban Chinese surgeon training

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December 5, 2006 - 4:54PM

Queensland's two major organ transplant hospitals have banned training Chinese surgeons because of concerns that China takes organs from executed prisoners.

Health Minister Stephen Robertson revealed the move in a letter tabled in parliament this week in response to a petition supporting the Falun Gong spiritual movement.

Falun Gong, which has about 100 million members worldwide, has accused the Chinese government of harvesting organs from thousands of members executed over the past seven years.

There also have been claims of live organ removal from people in detention centres and hospitals.

Mr Robertson said his department had been aware of the allegations relating to Chinese prisoners generally for a number of years and sought written assurances from the Chinese government that the practices did not go on.

When the assurances were not received, the Prince Charles Hospital and the Princess Alexandra Hospital put in place a policy of not training any Chinese surgeons in transplant surgical techniques.

It is not known if they are the only hospitals in Australia to do so.

They also banned joint research programs into organ transplantation with China.

But Mr Robertson said the hospitals did undertake training of Chinese doctors in other areas of medicine.

The petition called on the government to support moves by the recently formed Coalition to Investigate the Persecution of Falun Gong (CIPFG).

The coalition was set up to investigate the forced organ harvesting allegations and the illegal detention of Falun Gong practitioners.

It has sought to prevent Australian citizens from travelling to China for organ transplants and ban companies, institutions and individuals from providing goods and services to China's organ transplant programs.

International reports have suggested that of the 60,000 organ transplants the China Medical Organ Transplant Association recorded between 2000 and 2005, only 18,500 came from identifiable sources.

Viðauki III

tölfræði og aðferðir ofsókna á hendur Falun Gong iðkendum:

Key Statistics Related to Falun Gong

70-100 million - Number of Falun Gong adherents practicing in China before the ban in 1999. While some have attributed the estimate to Falun Gong sources, the number originates from the Chinese authorities and was cited on multiple occasions by Western media outlets such as the *New York Times* and *Associated Press* prior to the ban in July 1999. Shortly after the launch of the persecution, the Chinese regime shrank the estimate dramatically to 2 million as part of its propaganda campaign and a means of downplaying the scale of violations.

20-40 million - Estimated number of people in China practicing Falun Gong in 2009.

450,000-1 million - Estimated number of Falun Gong practitioners held in labor camps, prison camps, and other long-term detention facilities at *any given time*, as calculated by independent researcher and author Ethan Gutmann in July 2009 (see [here](#) for detailed calculation).

420,356 - Number of declarations posted to an overseas Falun Gong website as of December 31, 2009 in which practitioners inside China who had been forced under torture to renounce their faith publicly retracted the denunciation and announced their intent to resume practicing. 18,622 such declarations were posted in 2009.

200,000 - Approximate number of underground 'material sites' in China, from which practitioners of Falun Gong use proxy servers to download, print, and produce literature about the persecution of Falun Gong, as found by editors of the main Chinese-language Falun Gong website, Minghui.org.

87,000 - Number of reports of torture against Falun Gong adherents to emerge from China since 1999

13,153 - Number of declarations posted to an overseas Falun Gong website in 2009 in which Chinese citizens who do not practice Falun Gong publicly apologized for previously participating in the arrest, beating, firing, or vilification of the practice, its founder, or its adherents.

8,037 - Number of practitioners arrested in the six months leading up to the Beijing Olympics. Some were killed within days or weeks of arrest, while hundreds of others were subsequently sentenced arbitrarily to labor camps or prisons.

3,369 - Number of Falun Gong adherents confirmed to have died as a result of abuse in police custody or other forms persecution since 1999. Due to extreme difficulty in discovering and verifying information in China related to wrongful deaths, this figure likely understates the true death toll.

2,230 - Number of Falun Gong practitioners documented by the Falun Dafa Information Center in 2009 to have been "sentenced" to prison camps following sham trials or sent by administrative fiat to "re-education through labor" camps. Given the difficulty of obtaining information from inside China, the actual number is certainly much higher.

109 - Number of Falun Gong adherents killed in 2009 as a result of persecution. Additional, delayed reports of 2009 deaths continue to emerge from China.¹⁴

Mechanics of Persecution

Since the Chinese Communist Party banned Falun Gong in China in 1999, the Chinese authorities have utilized a wide variety of mechanisms in their efforts to force adherents to renounce their faith and ultimately wipe out the spiritual group. These strategies have ranged from extreme use of torture and sexual abuse, to the intimidation and harassment of adherents' family members, to the establishment of a nationwide extralegal task force to implement the eradication policy.¹⁵

The articles in this section cover the following mechanics of persecution in greater depth:

- (a) [Organ Harvesting](#)
- (b) [Physical Torture](#)
- (c) [Psychiatric Torture](#)

¹⁴ Falun Dafa Information Center, „Key Statistics Related to Falun Gong “. Fengið af: <http://faluninfo.net/article/909/?cid=162>

¹⁵ Falun Dafa Information Center, „, *Mechanics of Persecution* “. Fengið af: <http://faluninfo.net/topic/7/>

- (d) Psychological Abuse
- (e) Rape and Sexual Assault
- (f) Arbitrary Imprisonment and Slavery
- (g) The 6-10 Office

(a) Organ Harvesting Overview

Mounting evidence tells a terrible tale of murder and mutilation in China. Witnesses and Chinese physicians reveal that thousands of persons affiliated with the Falun Gong are being killed for their organs, which are sold and transplanted at enormous profit.

The kidneys, livers, and hearts are often sold on demand to overseas patients, who can afford them. That is, the prisoners of conscience are tissue typed and then killed once a matching recipient is found for their organs.

The perpetrators are officials of the Chinese Communist Party (CCP), acting in cahoots with surgeons, prison authorities, and military officials.

Victims are held in concentrations camps prior to dissection, after which the bodies' remains are immediately cremated.

The story, almost too dreadful to believe, was first revealed in March 2006, when a woman claimed that as many as 4,000 Falun Gong had been killed for their organs at the hospital in which she had worked. She also said that her husband, a surgeon at the same hospital outside the northeastern city of Shenyang, had disclosed to her that he had removed cornea from the living bodies of 2,000 Falun Gong adherents ([article](#), [video](#)).

One week later, a Chinese military doctor not only corroborated the woman's account but claimed such atrocities were taking place in 36 different concentration camps throughout the country. The largest, he said, held 120,000 persons. He said he had also witnessed the Falun Gong being massively transported across the country in cattle trains, at night and under the cover of tight security ([article](#)).

Falun Gong supporters and human rights activists overseas immediately began investigating the allegations. They placed calls to Chinese hospitals pretending to be shopping for a kidney or a liver. To their horror, one doctor after another openly confirmed: We've got Falun Gong in stock; just come in and we can get you the organ within a week (link to Organs02 phone transcripts).

Shocked by these reports, two prominent Canadian human rights lawyers launched their own

investigation. Then in July 2006, former Secretary of State for Asia Pacific David Kilgour and Nazi hunter David Matas, published their own 140-page report. It drew “the regrettable conclusion that the allegations are true” ([article](#)).

CCP officials are reportedly hastening to destroy all evidence. They have provided monitored tours and removed websites that advertised organs for sale (though not in time, as investigators had already managed to save images of these web pages). One Chinese website had boasted that it can provide matching organs in 1-4 weeks, which medical experts say is impossible unless the Chinese hospitals have access to a huge stock of living organ “donors.”

Shortly after reports of organ harvesting emerged, Party leaders announced new legislation banning use of organs without consent. Over a year later, this law does not appear to have been implemented at all, supporting those who claimed all along that the legislation was nothing more than a public relations stunt.

Throughout the 1990's, human rights organizations and international media reported the widespread use of executed prisoners' organs for organ transplants in China. In 2001, a Chinese doctor testified before Congress, saying he had removed corneas and skin from more than 100 executed prisoners, including ones who were still alive ([link to Organs05 - Wang Guoqi, "The preparation for Sujiatun": http://en.epochtimes.com/news/6-3-30/39868.html](#) [article](#)). The Communist Party has now begun employing “execution vans,” which allow for both discrete executions on the go and delivery of fresh organs to hospitals ([article](#)).

Along with Kilgour and Matas, the Committee to Investigate the Persecution of Falun Gong (CIPFG: <http://www.cipfg.org/>) has taken the lead in uncovering and exposing the organ atrocities. CIPFG and prominent individuals, such as Jewish religious leaders and former Olympians are currently holding a Human Rights Torch Relay ([link](#)). Their message is: “Crimes against humanity and Olympics cannot coexist in China.”¹⁶

(b) Physical Torture

¹⁶ Falun Dafa Information Center, „*Organ Harvesting Overview* “. Fengið af: <http://faluninfo.net/topic/9/>



The face of 36-year-old Gao Rongrong after it was severely disfigured by torture with high-voltage electric shock batons. Ms. Gao died of torture in 2005.

Torture in custody has taken the lives of thousands of Falun Gong adherents' since the Communist Party began persecuting followers of the spiritual discipline in 1999.

While cases of torture are annually documented in nearly every country around the world, the Falun Gong represent perhaps the largest tortured group. In the United Nations' Special Rapporteur on Torture's 2006 report, for instance, two thirds of the torture cases listed for China were of Falun Gong.

Human rights organizations have documented over 38,000 cases of severe abuse or torture of Falun Gong adherents. Of the more than 3,000 confirmed deaths of Falun Gong adherents in China, the vast majority came from torture.

Used for decades by Chinese Communist Party police to extort confessions from suspects and targets of political campaigns, torture is now being used against the Falun Gong to force them to renounce their faith. Both physical and mental torture techniques are used (the latter is addressed in the brainwashing section), though the distinction between the two is not always clear.

This way mental and physical torture are combined can be seen in the brief excerpt below from the Washington Post, which describes the typical ordeal countless Falun Gong adherents have faced:

At a police station in western Beijing, Ouyang was stripped and interrogated for five hours. "If I responded incorrectly, that is if I didn't say, 'Yes,' they shocked me with the electric truncheon," he said.

Then, he was transferred to a labor camp in Beijing's western suburbs. There, the guards ordered him to stand facing a wall. If he moved, they shocked him. If he fell down from fatigue, they shocked him.

Each morning, he had five minutes to eat and relieve himself. "If I didn't make it, I went in my pants," he said. "And they shocked me for that, too."

By the sixth day, Ouyang said, he couldn't see straight from staring at plaster three inches from his face. His knees

buckled, prompting more shocks and beatings. He gave in to the guards' demands.

For the next three days, Ouyang denounced [Falun Gong's] teachings, shouting into the wall. Officers continued to shock him about the body and he soiled himself regularly. Finally, on the 10th day, Ouyang's repudiation of the group was deemed sufficiently sincere.

He was taken before a group of Falun Gong inmates and rejected the group one more time as a video camera rolled. Ouyang left jail and entered the brainwashing classes. Twenty days later after debating Falun Gong for 16 hours a day, he "graduated."

(John Pomfret and Philip P. Pan, August 5, 2001, [full article](#))

Human rights workers have also compiled over 100 methods of corporal torture methods used against the Falun Gong. Below are a few short examples of such methods. More detailed examples can be found through the index on the right.

Beatings

Falun Gong practitioners in police custody are often brutally beaten, sometimes to death. The use of the following items for beating have been documented among the known cases: wooden clubs, steel and iron bars, iron rods, whips made of twisted copper wire, bamboo sticks, rubber sticks, electric batons, wooden planks, steel wire locks, rattan, electric wire whips and rope whips.

Piercing

Fingertips are pierced with pins and bamboo nails, which are also hammered under the fingernails. In many cases, torturers pull out the practitioners' fingernails by the root. Women's breasts are also pierced with sharp wires.

Force-feeding

Force-feeding is a torture method often used on the Falun Gong, and it has been the cause of death in approximately 10 percent of all known death cases. The force-feeding is most often carried out by labor camp staff with no medical training, or by criminal inmates who are coerced to assist. Unsanitary rubber tubes are shoved into an adherent's nose and down the stomach, often rupturing or damaging tissue; sometimes the tube enters the lungs. Detainees are often fed irritants such as highly concentrated salt water, hot pepper oil, boiling water, detergent, or even human feces.



On June 2nd, 2001, three labor camp guards tried to force Tan Yongji (above) to sign a “repentance statement” renouncing Falun Gong. When he refused, the guards tied him to a post, heated an iron rod in a furnace until it glowed red, and began applying it to his legs. The pain was so excruciating that Tan lost control of his bowel and bladder functions. The guards pressed the rod on his legs 13 times, spacing them out at regular intervals on his flesh, asking him all the while if he would renounce his belief in Falun Gong.

Scorching with Hot Irons

Hundreds of practitioners have reported being burned with cigarettes, lighters, fire, irons, or hot iron bars.

“Water Dungeon”

In “Water Dungeons,” the detainee spends many days in total darkness while inside a small cage and immersed in chest deep water. Often the water is routed from sewage lines. Some detainees have died under such conditions, while others have been driven insane from this torture.

High-voltage Electric Shock Batons

Electric batons carrying high voltages are used to shock practitioners’ sensitive areas and private parts such as the inside of the mouth, top of the head, breasts, genitals, buttocks, thighs, etc. Several electric batons are often used simultaneously on different parts of the body. Victims have said that the smell of burning flesh permeates the air during the torture.¹⁷

(c) Psychiatric Torture

“After traveling to Beijing on April 25th to protest for the ban on Falun Gong, he was arrested again: on May 23rd, his employer, a state-run petrochemical company, approved commitment papers that authorized the police to admit him to a mental hospital. According to Mr. Su’s father, the doctors injected Mr. Su twice a day with an unknown substance. When Mr. Su emerged a week later, he could not eat or move his limbs normally. He died ten days later.”

Washington Post, June 23, 2000

¹⁷ Falun Dafa Information Center, „*Physical Torture* “. Fengið af: <http://faluninfo.net/topic/12/>

At least 1,000 adherents have been subjected to psychiatric torture in Chinese mental hospitals, though the actual figure is likely many times higher, likely far exceeding the number of dissidents politically persecuted in mental asylums during the Stalinist era.

In the PRC's psychiatric wards, the Falun Gong are injected with unknown psychotropic drugs in toxic doses. Some report having been used as guinea pigs and falling into prolonged periods of hallucinations after being injected. Others have suffered severe damage to their central nervous system from the injections. Yet others – mentally healthy when forced into the hospital for political reasons – became deranged after being “treated” there.

Much groundbreaking work in exposing this abuse of psychiatry has been carried out by Robin Munro. In his 2006 book, *China's Psychiatric Inquisition: Dissent, Psychiatry and the Law in Post-1949 China*, Munro dedicates a chapter to the issue of psychiatric persecution of the Falun Gong in China.

The psychiatric abuses of the Falun Gong and others who have been branded insane for insisting on views not in accord with that of the Communist Party, are well documented and have been ongoing under the current regime for decades. Organizations such as the World Psychiatric Association (WPA), Human Rights Watch, and the Geneva Psychiatric Treatment Committee have reported on it; the WPA sought to investigate the abuses of Falun Gong in Chinese mental wards but has been repeatedly denied access.

Torture in mental hospitals serves two primary purposes for the Communist Party. First, it aims to discredit Falun Gong by making its adherents appear demented. Second, it allows for severe forms of punishment and a potential solution for handling those viewed as hardcore adherents who stubbornly refuse to transform.

The tools of psychiatry – including electric shock, sedatives, and other drugs – are turned on Falun Gong detainees as a means of torture and manipulation.

Beyond the asylum's walls, these methods have found their way and into the hands of police and prison guards. Amnesty International has reported how one Beijing police spokesman connected to these hospitals, when questioned about these abuses, explained: “They are not patients, they are here to be re-educated... Most of them are Falun Gong extremists who have been to Beijing to protest.”

Below is one example of the experiences the Falun Gong have faced in psychiatric hospitals follows:

We were held in the Xuzhou City Mental Hospital for over three months. We were forcibly tied to a bed and the so-called medical staff gave us injections and forced “medicine” down our throats. They injected us with unknown drugs as well. We passed out and were unconscious shortly after receiving the injections.

When the injections were taking effect, we suffered from extreme pain. It was so severe that we writhed in pain, cried out miserably, and slammed ourselves against walls in a desperate attempt to knock ourselves unconscious in order to be rid of the pain.

After the injections' affect wore off, we questioned the medical staff, "Why did you give injections and other harmful substances to us even though we are perfectly healthy?" They replied with shame, "We have no choice. It's per instructions from above. We have to obey our leaders if we want to keep our jobs. We don't want to treat you this way, but we don't want to lose our job."¹⁸

(d) Psychological Abuse

The goal of forcing people who practice Falun Gong to renounce their beliefs and cooperate with the authorities has been, from the outset, a central part of the Chinese Communist Party's campaign.

While every form of physical torture involves mental torture as well (whether being forced awake for over a week or being electrocuted in the genitalia), Falun Gong practitioners have also been specifically targeted for psychological persecution. This has come in two forms: brainwashing and psychiatric torture.

Brainwashing is the more widespread, with facilities across at least 21 of 22 provinces in mainland China, and four of the five "autonomous regions." These brainwashing classes are also held at each administrative level: provincial, municipal, county, and township. According to one analysis, the density of brainwashing facilities is greater than that of prisons, labor camps, and mental hospitals. (report)

Reeducation

Brainwashing often includes physical torture [see torture section], with the goal of "transforming," or reprogramming practitioners to the point that they abandon their spiritual practice. Authorities promise adherents that their ordeal will be over once they sign a three-fold "statement of guarantee" displaying the "correct" understanding about Falun Gong, promising not to protest ever again, and disclosing information about friends and family who practice Falun Gong.

The mental anguish does not stop there, as the transformed practitioner is then immediately required to not only stop believing in Falun Gong, but to turn against it. Once a transformation statement is signed, practitioners are then often taken in front of television cameras and asked to read the statement with their "new understanding" about Falun Gong for use in propaganda materials; if the statement is not

¹⁸ Falun Dafa Information Center, „Psychiatric Torture “. Fengið af: <http://faluninfo.net/topic/148/>

satisfactorily repentant or insufficiently disparaging of Falun Gong and its founder, the process must be repeated.

Then the recently “transformed” are quickly obliged to take an active role in transforming other detained practitioners. Those who prove particularly capable are even taken on speaking tours to other prisons and labor camps to assist transformation efforts there. Prominent others have been used in efforts to change international perceptions of Falun Gong, as when PRC diplomats took U.S. resident Teng Chunyan to visit congressional offices.

How to break a practitioner

The accounts of Falun Gong adherents who have emerged, often mentally scared, from prolonged brainwashing sessions reveal that the cadres’ methodology has become increasingly sophisticated over time. Still, the basic approach is consistently as follows:

1. Isolate them and lock them up, either alone or with criminals.
2. Strip them of clothes and personal dignity – drill into their mind that they are criminals who have committed a terrible crime - people with dangerous mental problems.
3. Deprive them of sleep for days on end; if they fall asleep wake them up immediately with a blow or loud sound. Keep doing this until they can no longer keep track of time or remember basic details about their life.
4. Force them to watch 10 hours a day of video vilifying Falun Gong and, especially, its founder Li Hongzhi. Play the tapes at full volume and do not allow them to look away.
5. Convince them that the only way they will ever be able to leave again is if they sign the three-fold statement of guarantee and that everything will be over once they do.
6. Bring in their parents, children, and siblings intervention-style to cry and even kneel in front of them, begging them to come home. Bring in their spouses to threaten with divorce.
7. Threaten, and if necessarily, take away their jobs, pensions, or enrollment in university. Threaten that their family members will also lose their salaries and education opportunities.
8. Bring in transformed former-Falun Gong practitioners (ideally someone the person was previously very close to) to help them see the light. Alternate one-on-one sessions with ones in which many people talk at the same time.
9. Tell them Falun Gong is banned around the world, since there is an international consensus that it is just like the Branch Davidians, Aum Shinrykiyo and other “evil cults.” They may not accept this at first, so just repeat it hundreds of times daily for weeks or months.
10. Replace Falun Gong by instilling in their minds a different ideology – try Marxism (make them read *The Story of Lei Feng*, *Mao Zedong’s Selected Works*, etc.) and, if that fails, give them the Bible, Buddhist Scriptures, etc.
11. Beat them.

12. Tell them this is all for their own good.

The above, of course, does not include the extreme physical violence and sexual assault detailed elsewhere in this site or the use of psychotropic drugs described below.

John Pomfret and Philip P. Pan of the *Washington Post* provide a vivid account of how mental and physical torture are combined in efforts to break the Falun Gong (news). Individuals who have gone through this process describe at “spiritual murder” (testimony).

Once released from brainwashing classes, practitioners and their families are then forced to retroactively pay tuition and room and board for their time there. (report)

Hundreds, if not thousands of the Falun Gong have been tortured in mental asylum, where they are injected with unknown psychotropic drugs (more on psychiatric torture).

For many, however, these transformation efforts have proven a useless, if painful process. After returning home and collecting themselves from the traumatic experience, many resume practicing Falun Gong.

Some even post statements online nullifying any statement they made against Falun Gong under coercion. According to the Falun Gong website Clearwisdom.net, where such statements known as “solemn declarations” are posted, over 380,000 such declarations have been recorded as of March 2008.¹⁹

(e) Rape and Sexual Assault

(Warning: this article contains images which may be considered graphic by some viewers.)

Women of Falun Gong tell wrenching tales of physical and sexual abuse in captivity. They have been violated with brooms sticks or electric batons causing bleeding from the vagina. They have had their breasts pierced with barbwire, and they have been gang raped.

“You say you practice tolerance? I will see if you can tolerate it when I rape you.”

Prison Guard

“Among the true accounts of unbelievable brutality,” writes prominent Chinese human rights attorney Gao Zhisheng following his investigation into the persecution of the Falun Gong, “the immoral acts that shocked my soul the most were the lewd yet routine practice of attacking women’s genitals by 6-10 Office

¹⁹ Falun Dafa Information Center, „*Psychological Abuse* “. Fengið af: <http://faluninfo.net/topic/13/>

staff and the police.”

“Almost every woman’s genitals and breasts or every man’s genitals have been sexually assaulted during the persecution in a most vulgar fashion,” Gao wrote in a December 2005 open letter to Communist Party leaders. ([article](#))



Caption: Torture technique known as “splitting legs.”

One group letter from Chinese women who practice Falun Gong summarizes what they have suffered as follows: “Iron wire has been used to pierce our nipples.” Police “have sexually violated our bodies with eggplants, toothbrushes, and plastic water bottles. In one female labor camp located in Jilin province, police inserted hot pepper powder into women’s vaginas in order to force them to give up their belief and practice of Falun Dafa.” ([open letter](#))

A report of the United Nations Special Rapporteur on violence against women cites an October 2000 case in which 18 women who practice Falun Gong were stripped naked and thrown into jail cells containing convicted male criminals (U.N. document number E/CN.4/2001/73/Add.1). The report also states that “electric batons are used to shock the breasts and genitals of the female practitioners.”

Policeman Rapes Woman on the Street

Excerpted from a *Falun Gong Human Rights Working Group* report. ([Full report](#))



Female Falun Gong practitioner who was beaten and raped by Beijing police.

On May 14, 2001, after 9 p.m., a Falun Gong practitioner was posting Falun Gong flyers alone along the street from Dabeyao to the Yonganli city canal in the Chaoyang district. A plainclothes policeman who was on patrol duty stopped her. He viciously groped around this practitioner's lower body under the excuse of conducting a body search. She struggled free and ran down the street. He chased after her on his bicycle, and beat her fiercely with a rubber baton. He told her, "My superior has said not to let go of any Falun Gong practitioner. Today, I will either kill you and throw your body into the city canal, or take you to the police station."

She tried to run away but did not succeed. The policeman beat her for over an hour, bringing her to the verge of death. There were about a dozen passersby who came to watch during that time. He shouted to them, "She is a Falun Gong practitioner. She is an active counterrevolutionary. If I beat her to death, it will count as nothing." All passersby hastily left.

Two of her front teeth were knocked out from the beating. This rogue police officer inflicted many wounds on her head, and left her whole body swollen and bruised.

The plainclothes policeman gave her a heavy blow with his baton on her right ear and temple. She then lost consciousness. After she lost consciousness, he dragged her under the bridge and ripped off her pants. He raped her. After that, he forced his rubber baton into her vagina using his full strength and sat on her. When this practitioner regained consciousness and a little strength, she shouted as loudly as she could; he then rode away on his bicycle.

Prison Guard Rapes 28-year-old University Student

One of the most prominent rape cases is that of Ms. Wei Xingyan. On the evening of May 13, 2003, the graduate student from Chongqing University was arrested for possessing balloons and banners printed

with messages about Falun Gong.



A wooden block depicting moments before gang rape.)

A policeman ordered two inmates to strip her naked. Then he forced her to the floor and raped her in front of them.

Once news of her story was exposed outside of China, her university and the local authorities attempted to erase her identity, denying that she exists. Her current whereabouts are unknown ([full story](#)).

Men are not spared sexual torture either. Thirty-two year old Mr. Chu Hui, for example, was tortured with beatings and cattle prod shocks from 9 p.m. to 8 a.m. the next morning. The torturers used the cattle prods all over his body, including inserting them into his anus. Chu passed out several times during the torture ([full story](#)).

- Thirty-two-year-old Ms. Zhu Xia cries, laughs, and often bangs on doors and windows madly. She soils her clothing uncontrollably, and has frequent hallucinations, tossing and turning restlessly amidst unseen enemies. At night she throws her arms around her head defensively, screaming "Are you going to rape me?" ([article](#))
- After being beaten and electrocuted in the genitalia, woman dies after three days' detention ([article](#))
- Women hung spread-eagle from ceiling, sexually assaulted with sticks in attempt to meet "transformation" quota ([article](#))
- Falun Dafa Information Center report: Women of Conscience ([download](#)) Though dated, this report contains photos and other easily accessible information about how women who practice Falun Gong have been specifically targeted.²⁰

²⁰ Falun Dafa Information Center, „Rape and Sexual Assault “. Fengið af: <http://faluninfo.net/topic/14/>

(f) Arbitrary Imprisonment and Slavery

In today's China, any Chinese person can be picked off the street, say, on the way to the supermarket, and be immediately turned into a slave for up to three years without legal procedure. This has happened to hundreds of thousands of people who practice Falun Gong and vanished into China's vast system of labor camps.

There are between 200,000 and 2 million Falun Gong adherents held in China's vast system of detention centers and labor "re-education" camps. Outdoors in Siberia-like weather of northeastern China winters or in the suffocating heat of unventilated rooms filled with fumes of glue and feces, detainees work up to 20 hours of labor a day. Those who refuse are beaten, tortured, or starved.

Many of the products they make - Christmas tree lights, toys, chopsticks - are sold to us in America, Europe, and Australia.

Making toys amidst torture in a Beijing labor camp

Especially since late 2007, consumers of low-priced "Made in China" products now recognize the long-term costs of such goods - dangerous lead toys, Chinese food product scares, related rising unemployment rates at home and trade deficits have all made headlines.

But perhaps the most severe price of all is often ignored - modern slavery is alive and well in China.

Slavery is not limited to the well-documented sweatshops in which teenagers work under horrible conditions and physical abuse in gated communities while getting paid close to nothing. This is a different kind of slavery that involves people who are prisoners of conscience - they were arrested for their beliefs or for speaking their minds and turned into slaves.

They get paid nothing for laboring in Chinese gulags. If they leave the camp alive, they are among the more fortunate.

When Jennifer Zeng was imprisoned in Beijing's Xin'an Labor Camp, she and worked long hours making toy rabbits for Beijing's Mickey Toys Co. Ltd, a project reportedly subcontracted from Nestle. After she was released and returned home to Australia, she was shocked to find the toys she had made being sold on store shelves there.

"The processing fees went to the labor camp. We didn't get anything," Zeng said. "Usually we began work at 5 o'clock in the morning and worked until 2 or 3 o'clock in the morning the next day. Sometimes, we

had to work overtime; otherwise we could not finish the job. I was so exhausted that I could not count clearly from 1 to 9. Long hours of intensive work and severe lack of sleep made me feel for a long period of time, that the only thing I needed in my life was sleep.”

Zeng’s dramatic story is described in her book Witnessing History, the most notable autobiography written by a Falun Gong practitioner to date.

Canadian Mr. Lin Shenli was forced to make soccer balls by hand in a Jiangsu province labor camp. A large section of his chest and buttocks began to bleed and ulcerate from other intensive manual labor. Throughout, labor camp staff tried to force Lin to renounce his beliefs. There are literally thousands of known cases like these.

‘Sanitary chopsticks’

The Clearwisdom website has compiled a collection of vivid, first-hand accounts of life in these labor camps and the range of products Falun Gong detainees are forced to make there.

The full report can be read here. One testimony tells of the “sanitary chopsticks” produced at this Daxing County labor camp in Beijing:

The chopsticks to be packed were piled on the floor arbitrarily and often stepped on by workers. The inmates’ job was to put the chopsticks into paper coverings labeled by the Department of Sanitary and Epidemic Prevention, though the inmates had not gone through any measures of epidemic prevention or sanitary conditions themselves. Many of them had skin diseases, scabies outbreaks, and some were drug addicts or diagnosed with sexually transmitted diseases. The payment for the contracted forced labor became income for the policemen at the labor camps.

For general information about China’s system of reeducation through labor, see Human Rights Watch’s report: <http://www.hrw.org/campaigns/china-98/laojiao.htm>²¹

²¹ Falun Dafa Information Center, „ Arbitrary Imprisonment and Slavery “. Fengið af: <http://faluninfo.net/topic/15/>

The 6-10 Office—named after the date of its creation on June 10, 1999—is an extralegal police task force responsible for carrying out the mission of eliminating Falun Gong.

Established by former Communist Party leader Jiang Zemin and announced in a speech to elite cadres a month before Falun Gong was banned, the organization exists outside China's legal framework.

Jiang granted it wide-ranging powers and the authority to use “every means necessary” to wipe out Falun Gong. Operating in an atmosphere of impunity even after Jiang was replaced by Hu Jintao, the 6-10 Office has become notorious for its regular use of extreme torture.

In his book *A China More Just* ([Broad Press](#)), human rights lawyer Gao Zhisheng describes being shocked by the extent of the 6-10's operations.

“The immoral act that has shaken my soul most is the 6-10 Office and policeman's regular practice of assaulting women's genitals,” Gao wrote after his 2005 investigation. “Of those persecuted, almost every woman's genitals and breasts and every man's private parts have been sexually assaulted in a most vulgar fashion.” ([full letter](#))

In addition to torture and sexual abuse, 6-10 Office agents also administratively sentence the Falun Gong to labor camps and abduct adherents straight from their homes to brainwashing classes.

But its real power lies in its ability to direct the campaign against Falun Gong from behind the scenes. By employing quotas and incentive systems, as well as latching onto the Party's existing and pervasive bureaucracy, the 6-10 office is responsible for overseeing all aspects of the campaign against the Falun Gong: from controlling the criminal justice system to gathering overseas intelligence through the Ministry of Foreign Affairs to infiltrating top Chinese universities.

Though Party officials have externally denied the 6-10 Office's existence, a broad range of public statements, internal documents, and testimonies refute such claims. Instead, available evidence paints a disturbing picture of a shadowy yet powerful entity that operates like the mafia but is officially sanctioned; an excessively violent organization that permeates Chinese society but is well-known only to those who control it or work for it as well as, of course, those who dread it.²²

²² Falun Dafa Information Center, „*The 6-10 Office* “. Fengið af: <http://faluninfo.net/topic/17/>

Why is the Chinese Communist Party persecuting Falun Gong?

On July 22nd, 1999, Falun Gong was officially banned by the Chinese Communist Party, thus beginning a protracted and violent campaign of persecution. The complex rationale behind the campaign can be broken into four elements: Falun Gong's popularity, the role of Jiang Zemin, conflicting ideology, and the nature of the Chinese Communist Party's system.

A common misconception is that the gathering of 10,000 adherents in Beijing on April 25, 1999 is what led to the persecution of Falun Gong. While it is true that this event served as the catalyst of a full-blown persecution campaign, oppression of the practice actually began at least three years earlier.

Upon its initial introduction to the public, the government of China not only acquiesced to its spread, but even encouraged it, inviting its founder Mr. Li Hongzhi to teach in government facilities, and praising the practice for the benefits it brought to public health and morality.

Popularity: The more popular Falun Gong became, the more resistance it encountered. Party leaders fear any large, independent spiritual group. When Falun Gong books became bestsellers in 1996 they were banned; when a government survey estimated that over 70 million people practiced Falun Gong - more than the Party's membership - media began attacking Falun Gong and state security began spying on and harassing adherents.

Individual leader's role: Personality may have also played a significant role. Fearing Falun Gong's rapidly growing popularity was overshadowing his own legacy, then-Party leader Jiang Zemin ordered that the practice be "eradicated." According to a 1999 Washington Post article, "Jiang alone decided that Falun Gong must be eliminated." Journalists and inside sources have described Jiang as "jealous" of Falun Gong and "obsessed" with eliminating the group. As China analyst Willy Lam has argued, by creating a national campaign Jiang sought to both align power to himself and eradicate a group he saw as a threat to his power.

Conflicting ideology: The ideological differences between the atheist Communist Party and the spiritual Falun Gong must also be taken into account. Falun Gong's deeply spiritual belief system and its moral code can be said to be rather inimical to the beliefs held by the Communist authorities. Moreover, although religion is again becoming increasingly popular in China, religious groups must submit to the state and their leaders must be Party approved. Other groups who, like Falun Gong, have chosen to preserve their belief system and refused to submit to the Party's authority have also met with persecution.

Nature of CCP rule: Finally, the persecution of Falun Gong can be said to be simply the latest in a

historical continuum of violent campaigns that the Party uses to consolidate its control. Indeed, since the 1950s not a decade has gone by without some violent state-led campaign aimed at the masses, be it the suppression of “counterrevolutionaries,” the Great Leap Forward, the Cultural Revolution, the 1989 crackdown on the democracy movement, or Falun Gong.