



Human Rights with Susie Hughes of the Coalition to End Transplant Abuse in China

Speaker 1

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Welcome to the Voices in Bioethics Podcast. I'm Anne Zimmerman and today we have Susie Hughes joining me to discuss forced organ harvesting in China. Susie is Executive Director and co-founder of The International Coalition to End Transplant Abuse in China (ETAC). She has extensive experience in the not-for-profit human rights sector, focusing on the issue of forced organ harvesting from prisoners of conscience in China. She has hosted numerous roundtable discussions leading the organization's advocacy efforts. She was also the Director of Logistics for the 2019 China tribunal, which unanimously found China to be guilty of forced organ harvesting. Welcome, Susie.

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Speaker 2

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Thank you, Anne.

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So, Suzy to start, what is forced organ harvesting? And can you give our listeners some background on how suspicions that the People's Republic of China was engaging in harvesting organs from prisoners of conscience arose?

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Speaker 2

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Thank you. Yes, absolutely. So, forced organ harvesting is a form of organ trafficking, where the victims are killed for their organs. Uh, to be removed from the transplantation. So, it's a form of organ trafficking that's particularly happening in China. And we'll talk a little bit later no doubt about the China tribunal, which looked right into it all. Allegations of forced organ harvesting began when a whistleblower from China spoke out in the United States in 2006. A woman using the pseudonym of Annie said that one of her family members was involved in the operation to harvest Falun Gong practitioners' organs, and he testified that her husband was a surgeon in China and was engaged in cornea harvesting of around 2000 Falun Gong practitioners. Her testimony led to a controversy about whether or not she was telling the truth. The government of China denied everything, of course, and he wasn't a foreign Gong practitioner, and she said that she worked at the same hospital in the statistics and logistics department. She also talked about how the detention facilities that Falun Gong practitioners were held in were in the backyard of the hospital, where there were facilities, you know, typically built for construction workers. So, after this, an organization called the coalition to investigate the persecution of Falun Gong in China came forward and approached David Mattis and David Kilgore to investigate the claim. So that was, I think, mid perhaps mid 2006. David Madison is a highly respected human rights lawyer from Canada and the late David Kilgore was a former trial lawyer, Crown prosecutor and former Canadian Secretary of State Asia Pacific. So, neither were Falun Gong practitioners or had family members who were found Gong practitioners, which is why they were asked to do it so that their work would be entirely independent. And so, they investigated and eventually published and the investigation, which is called Bloody harvests, the killing of Falun Gong practitioners for their organs, expenses for their investigations were paid. However, they were not paid for their work. They gave their time free of charge. And they found that organ harvesting was happening. Their report lays out all of the details of their methodology and you know, the forms of evidence that they found. So, you know, and for those who haven't heard of Falun Gong, it's a Buddhist Qigong practice. It's got slow moving Qigong exercises and meditation and a moral foundation where the people strive to live by the principles of truthfulness, compassion, and tolerance. So little bit, sort of like a Chinese traditional yoga or, you know, something like that is, I suppose, what people can imagine. And then the other two things that happened was when the crack down on these people happened, there was a man named Ethan Gutmann, who's an investigative journalist, and he was interviewing practitioners at the time about, you know, the, what had happened to

them in the prisons, and the torture and this sort of thing. And, and when he was interviewing them, they were mentioning blood tests and organ scans, and, you know, chest X rays, and it was a real red flag for him. And he started to question more about those medical examinations. So, he sort of, you know, his investigation was uncovering all of these testimonies of the forced medical tests that were happening. And then I think the third one that I mentioned is that some Chinese medical professionals were presenting at conferences overseas and you know, they were putting up on the screen their data on their transplant numbers, and it was becoming very obvious that the numbers that they were putting up there, the numbers of transplants that they were doing was really different than the numbers of death row prisoners that were being killed. And at this time, that was their only source of organs. They didn't have a voluntary donation system. So that was another sort of red flag that, you know, got everyone talking about what was going on and more need to be looked into it.

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And are Falun Gong practitioners and Uyghurs still at risk of forced organ harvesting?

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Yes, it's still going on today. And there's quite a bit of focus on the Uyghurs a number of Uyghurs, have come out with similar testimonies to the Falun Gong practitioners and these Uyghurs also testified to the China tribunal that they'd been forced into ultrasounds and chest X rays and blood testing when they were in detention. And the Falun Gong practitioners are also still in detention, the numbers aren't as high as in the beginning, which was, you know, I think, you know, there was millions of people put into debt detention, then very similar to what's happening to the Uyghurs. Now, and also the other people that are at risk are basically anyone that's incarcerated by the government. So, this includes the Tibetans, the house church, Christians, potentially democracy activists, you know, way back in 1994, Human Rights Watch investigated, what was happening in China in regard to them using Death Row prisoners. So that's where it all started was, you know, there was this the supply of organs through the death row prisoners, rather than the prisoners of conscience. And that was widely known and condemned internationally at the time. So Human Rights Watch looked into that in 1994. And their report is still available publicly. And, and they found at that time that political offenders and other nonviolent criminals were being used as sources of organs that Chinese doctors were participating in the pre-execution medical tests and matching of the prisoners with recipients, and that the prisoners were not yet dead when their organs were removed. So, this

abuse has been happening for a very long time. And of course, it escalated once the persecution of the Falun Gong practitioners began because there were just so many people that were put into the labor camps in the jails at that time.

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Yeah, and it seems that the medical community was really complicit in China. And I think maybe that's another thing that drew the attention of the international medical community.

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Absolutely. Yeah.

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Speaker 1

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And are there similar concerns in other countries?

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Speaker 2

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Yes, so organ trafficking, human trafficking, and organ trafficking is a widespread issue. The number of unethical transplants happening globally is, is growing, it's usually a situation where people who live in poverty or coerce to sell a kidney, they may receive very little payment, you know, the broker and the doctors are making most of the money out of it. And it's happening in some sort of, you know, backyard facility or a private hospital or something like that, that people, you know, become can become ill after those transplants, because they don't have the medical care that they would need after their kidney was extracted. And, you know, countries like India, Pakistan, Turkey, Brazil, Nepal, the Philippines, these countries all are known to be having black market transplants happening in regards to state sanctioned or, you know, on the

scale of the organ harvesting happening in China, we don't know of any other countries where that's happening, where it's happening in the military hospitals and the big General Hospital transplant centers. China is the only country that that we know of at the moment that it's actually coming through the state.

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Speaker 1

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So how did the China tribunal really come to be?

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Thanks for asking. And so, what happened was our international advisory committee at our organization, we're discussing the sort of blockages with this issue and the fact that the evidence is so complex, and most people don't have the time to dive into it and really find out for themselves if it's credible, and if it was real. And so, we decided that we'd contact Sir Geoffrey Nice KC, so he was lead prosecutor of Slobodan Milosevic at the ICT why, and very well known for his integrity and expertise in human rights and international law. And we approached him to begin with just for a legal opinion, we wanted him to have a look at all of the evidence and, you know, see what he thinks about it and write his opinion on it. But when we approached him, he suggested that the issue was so significant that we should consider setting up a people's tribunal, and that he'd be willing to serve as chair on that tribunal. He explained all about, you know, some other tribunals like the Iran tribunal and a few others that had happened and what how it worked and that basically it would be setting up a situation like a court with a panel of people who would review the evidence. They'd have expert legal opinion from others, and they would give it an independent opinion on whether or not they believed it was happening, and whether or not international crimes had been committed if they did believe that it was happening, so that we decided, Well, to begin with, to be honest, we weren't sure, because it's a huge risk, you know, for an organization like ours that, you know, advocacy and research focus that, you know, you hand it over to someone else, and perhaps they wouldn't look at the evidence properly, or they'd be too busy. And, you know, something would come out, that would end up being a hindrance to all of the work that we've done so far on, you know, the reports and investigations and, and upholding the integrity of the issue. And so, it did require quite a bit of discussion, actually, and that we decided to go ahead that it would be, you know, we believed it would be helpful. And he put a clear separation between us and them. So, I arranged all of the logistics and helped with, you know, booking flights for people to go over and we raised money for the expenses, and then the tribunal members or worked pro bono and

didn't receive any funds for what they did. And they worked for about 18 months. So, it was it was a fantastic experience and so valuable.

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And what type of things did the public really learn from the tribunal?

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That's a good question. So much, you know. It was 18 months that they looked at the evidence, all of the evidence is on the website. So, people can still learn from the tribunal now. And they've, you know, they've issued their judgement. The hearings were really important. There was five days of public hearings, where fact witnesses, which were, you know, primarily Falun Gong practitioners and Uyghurs, but also a couple of other people, there was a man who was from Europe who had business dealings in China and had been put into prison there, under. I think, I mean, he states himself that he was innocent, and was he was put into prison there for about three years, something to do with his business partner. And, you know, he had evidence of what was happening with the Falun Gong practitioners in there because they were in there when he was and you know, guards had told him that people were Falun Gong practitioners were taken to execution. I mean, you know, these are people that are put into prison because of their faith or perhaps holding a banner up in the street or giving away a flyer, you know, Falun Gong practitioners were being executed. But at some point, the guard had said that, you know, one Falun Gong practitioner was lucky he was ill that day, and he questioned him and said, "Well, why would that make any difference to whether or not he was executed that day?" And he said, "Oh, no, you know, if anyone's ill, then their organs won't be in prime condition." So, you know, they wouldn't kill him that day. And so, these sorts of things were new to most people who had heard of the issue before, lots of testimonies, a lot of exposing of the torture and the horrendous conditions for the people that are inside the jails and the labor camps, and also a lot of information about the blood testing and the organ scans. A lot of that came out through the tribunal. And the tribunal also looked at the major investigations. So, they went back through some of the investigations, for example, the 2016 report, which is a report that David Madison, David Kilgore did with Ethan Gutmann, once they had seen his investigations. And the three of them linked up together to begin with, they weren't they were didn't know each other. And that investigation is like a statistical analysis of the number of transplants happening in China through all of the hospital data and bed utilization rates and surgical teams and enormous report. So, they had experts look at these sorts of reports, and determine, you know, whether

the methodology was sound, whether what they had found was, you know, credible. And so, I think the public just learned so much. I think they learned about the people that testified but they also learn about the evidence, and it was all put into one package. So, it since then, it's become a lot easier for people to take in, what this issue is and what the lines of evidence are.

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Speaker 1

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Yeah, it seems to really also show just how premeditated it was and that it isn't something that's a one off that it is really a scam that is a systemic crime.

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Speaker 3

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Yes, yes, that's right.

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Speaker 1

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So, it seems like it's proven difficult to hold China accountable. They're not really under the jurisdiction of the International Criminal Court. So, the tribunal was really a strategy to bring global attention. But can the tribunal lead to some type of accountability?

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Speaker 2

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It's so very difficult with the Chinese Communist Party, the Chinese government, their influence globally, the lack of transparency, the monitoring of the people inside which is just growing all the time. So, it is really difficult, but we can increase pressure and we can also increase awareness. You know, at the moment, we're working to promote accountability for medical and transplant professionals and organizations outside of China so that they don't unknowingly or knowingly support what's going on. And, and that is something that we can do

is that we can be responsible ourselves not to interact with that, you know, as in with any crime, we shouldn't be interacting with crimes, we shouldn't be interacting with human rights abuses. And this is the case with this one. However, it's a niche area, it's transplantation. So, it's two areas, actually, it's the professionals that work in that field, but it's also people that need a transplant or want to transplant, you know, so there's areas there that we work on as well. So, the other strategies that we work with are law reforms, so tightening laws around international transplant, tourism, and organ trafficking, introducing mandatory reporting for people who travel overseas for transplants, at the moment, most countries don't know how many people go overseas for a transplant. So, we need mandatory reporting brought in so at least countries like the US and Australia and Canada and the UK, Europe, etc. can know how many people are going overseas. And once we know how many people are going overseas for transplants and coming back for aftercare, then we can, we can gain more momentum in regard to helping people realize this as an issue. And that, you know, laws need to be put into place. The other things that we've worked with is, for example, we engage legal professionals and provide them with, you know, the China tribunal judgment and do you know, different networking activities and building a global network of NGOs and charities who are interested to, to contribute to this, and then together, we take action, such as approaching the UN independent special rapporteurs. And this is something that we did probably about 18 months ago now. And 12, UN special rapporteur on human rights experts found the evidence to be credible and actually issued a formal correspondence to the Chinese government questioning them about the practice and, and bringing forth some of the testimonies of the Uyghurs and Falun Gong practitioners that detailed these blood tests and ask specific questions. And so that's been really fantastic. The government sent back a letter that was similar to the usual letters that they send back to the Special Rapporteurs when this sort of things raised, you know, it didn't answer any questions and, and sort of said that, you know, the people were terrorists. So, I think that's what they said about the Uyghurs, which is just everybody knows that they're not. And so, in some regards, it's not helpful because China just spits back some sort of, you know, useless response. But in other cases, in other ways, it is really helpful because it helps in regard to the Chinese government knowing that the issue is escalating pressure is building people up, this issue is not going away. It also helps in regard to other people delving into the evidence. So, if people have been thinking that the evidence isn't credible, when something like this happens in the UN Special Rapporteurs determined it to be credible, they may then turn their eyes to having a look themselves. So yeah, these are the sorts of strategies that we've been working with. And hopefully, we'll continue to make progress.

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Speaker 1

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Our human rights due diligence obligation has been discussed and promoted. A bunch of entities, including states, businesses, nonprofit organizations, and universities arguably have a moral obligation to engage in human rights due diligence. How does that apply to organ

transplantation?

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Speaker 2

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It's a good question. So today, the UN guiding principles for business and human rights have mostly been applied to the manufacturing and corporate industries, where businesses have a certain turnover need to ensure that there are no human rights abuses occurring within their supply chains. Some countries have reporting obligations for these companies. However, to date, it hasn't been clear whether those obligations are also for medical professionals and medical entities such as the universities and hospitals, medical association's journals, and with international collaborations on the rise in the field of organ transplantation, and with universities and hospitals in the US, Australia, UK, Europe, Canada, etc. All having interactions with universities and hospitals in China and also other countries like India and other countries that have organ trafficking. It's become an area that really needs to be looked at very carefully. We did actually approach an organization called Global Rights Compliance for an opinion on this and you know, like a legal analysis on it so that we as an advocacy and research organization, were really clear on those obligations and we could then reach out and sort of bring this away to these entities and individuals, and, you know, that report really clearly laid out that, yes, these responsibilities are, in fact, very important. They're definitely, you know, relevant to this field. And not only that, but that the risks of complicity are high, you know, these entities should have policies in place, they should have checklists, due diligence checklists, which include questions about the hospitals, where any sort of research is taking place, or whether there's certain people from China coming and presenting at a transplant conference, for example. So it was, yeah, it's very relevant. And at the moment, it's really important that all of these entities and individuals are aware of that, which is some of the work that we're doing at the moment.

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Speaker 1

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We can put links to the global rates, compliance, the policy, and legal guidance on the website, when we post this episode, and they are really informative guidance that really instructs people about the idea of human rights, due diligence, it seems to me, there will still be entities that really slipped through the cracks. And I wonder how medical professionals and educators in particular can really be sure that they are not training people to engage in this or that they're not complicit with the companies they work with to provide equipment?

Speaker 2

21:26

Yes, it's, I think, you know, the main thing is that they have processes in place, that they educate their staff, and any of their members, so that everyone is really aware. I mean, that's the number one. And then once that sort of awareness is there, and people realize that they have these human rights obligations to protect human rights, but also to protect themselves from possible inadvertent complicity, then the next actions are, you know, carrying out those checklists and making sure that in their interactions, there's, there's nothing that's going to be problematic in regards to interacting with crime, such as the forced organ harvesting in China. So, for example, medical professionals who may be going into a research collaboration with someone who is, you know, transplant expert from China, they may be doing research in China, there may be organs that are used as a part of that research, then before that, that research takes place, that the people that are involved, or the university that's involved, that's, for example, in the US, needs to be sure that any of those organs are going to be ethically sourced, and that there's going to be proof that they're ethically sourced, in the case of China, this is impossible, because, you know, the very bottom line is that there's no transparency, so whilst China, you know, claims that they have now an ethical system, that they're not using Death Row prisoners, they never ever admitted to using prisoners of conscience, but even so they don't have any transparency. So, there is no way of being able to tell at all. So, in this case, the research shouldn't take place, that shouldn't happen, you know, you have to disengage, you know, there was one situation that was became apparent through the China tribunal and, and this was a testimony from a transplant surgeon from Canada. And he is, you know, leading research in one of the universities there at Alberta, and a Chinese delegation came to the university and came to him and wanted to learn the techniques. And of course, it was a wonderful opportunity for the university, there was going to be funds involved, and you know, they're helping another country, there's all sorts of, you know, positives, but this particular person stated to the China tribunal in his testimony that he wasn't going to go ahead unless he knew that definitely every single organ that was used in any sort of route in any sort of training that was happening in China would be ethically sourced. And so, he went to the transplantation society, the international body, he went to, you know, all of the different sorts of areas that he could to find out if there was a way of knowing and they all said no, they all said that it was impossible to know whether the organs were going to be ethically sourced, because there was no transparency. So, this particular person with high ethical standards, refuse the collaboration. And whilst you know, that is a difficult situation for a university to do that they did it. And so there are shining examples, and this is really what should be happening.

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Speaker 1

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That's a great example. It's good to know that there are universities out there willing to sacrifice the research opportunity and do what's right. Have you found some other organizations or businesses and universities in general resistant or unwilling to engage in the work necessary to be sure that they are avoiding complicity.

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Speaker 2

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There is a mixture, you know, I'd say that generally people want to do the right thing. It's so you know, there's we've got this outreach happening at the moment where we're using this global rights compliance report. And we're bringing it to the attention of universities and hospitals in a positive way where, you know, supporting them to develop policy and to know what's happening, etc. And during that process, it's been interesting, because some of the majority of the responses that we've received have been incredibly positive in regard to the awareness. It's been surprising actually, how many universities and hospitals are aware of this issue happening in China specifically, but also of the organ trafficking generally globally, and how important it is that they uphold ethical transplantation practices, and, you know, ethical publication of research for the journals and training and all of that. But one thing that has been a bit confusing for them, I think, is that they haven't really been aware of the difference, or some of them haven't been really aware of the difference between promoting ethical transplant and promoting those guiding principles such as you know, the declaration of Istanbul, etc., and actually having policy in place themselves for their own activities. And so, an example of that may be a transplant society that runs international conferences. And whilst they definitely do promote ethical transplant practices, and you know, WHO guiding principles on ethical transplant, etc., they themselves don't have policy in place in regard to what surgeons from which countries and you know, this has involved in the research that those surgeons have done. So, it's not like there's any sort of discrimination against someone because they come from a particular country, but that person would have done research that used organs, and those organs are from that country. So, for example, let's give an example of a transplant professional who has done research in China that's used organs that's come from deceased donors, and there's no way of telling that those deceased donors are ethical, because there's no transparency, and then that surgeon is going to come to a transplant conference in America and talk about his research. So, this is something that that transplantation, society should have a policy around. And that research shouldn't be shared at that conference because there is no guarantee that it's ethically sourced, and it very well could be a part of this horrendous practice that's taking place.

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Speaker 1

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It seems really difficult to police organizations like that, especially when they are seen as promoting good, they are seen as promoting organ transplant, which people see as a good life saving technique. And do you ever consider other approaches like approaching shareholders or having a more business-oriented approach that would really hold corporations accountable when they might be complicit?

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Speaker 2

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We've been discussing various ways that we can, you know, extend into, you know, reaching more people, we haven't actually done that, which would be a fantastic idea. So, I'm really glad that you mentioned it. Because, you know, shareholders do hold a stake in what's happening and should know about all of this and should also be pressuring for human rights, due diligence policies to be in place, etc. So, we'll have to look into that one.

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Speaker 1

28:29

Okay. And is there anything else you want to add any answers you want to give to questions I did not ask?

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Speaker 2

28:37

Oh thanks, Anne. And no, it's been wonderful to talk about it. Because it's, it is important that it's, it's spoken about, and that more people realize what's happening and what we can do. I think, you know, I could probably just mention that if anyone's listening, and they're wondering what to do, we always say talk about it, you know, share the podcast, share information about it. I know that you'll put some links with this podcast, so people can find out more information themselves. And that is the very first step. I mean, we are doing we're helping organizations with briefings on for example, the global rights compliance work, so that, you know, universities

and law professionals and medical professionals can be very clear on what the due diligence processes are and learn about it, because it's not something that generally they have been trained on. So, it is a new area, and it's an important area. And you know, we're willing to support that process free of charge, because we're a charity. So, it is part of our work to make sure that you know, we help educate people about all of this. So, probably just to mention that, you know, there's things that people can do to contribute.

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Speaker 1

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Thank you, and we will put links to your organization on this episode website. Thanks for joining us today. Susie.

Speaker 2

29:58

Thanks so much, and it's been wonderful to speak with you.

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Speaker 1

30:01

I'm Anne Zimmerman, and this has been the Voices in Bioethics podcast with Susie Hughes of the Coalition to End Transplant Abuse in China.

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