



## “China will stop using organs from executed prisoners by Jan. 1, 2015” Another Deception to Hide its Practice of Live Organ Harvesting

March 9, 2015

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### Foreword

On Dec. 3, 2014, at a Chinese Hospital Association Organ Procurement Organization (OPO) Alliance seminar held in Kunming city Yunnan province, China’s former Vice-Minister of Health, Huang Jiefu, announced that “starting Jan. 1, 2015 China will stop using the organs from executed prisoners<sup>1</sup>.” This announcement attracted international attention.

Although there have been doubts about whether China’s so-called voluntary organ donation system, which was just started, is able to meet the demand of over 10,000 transplants every year, many in the international community still hope that this announcement will end the ethical nightmare caused by China’s illicit organ harvesting practice.

However, an analysis of publicly accessible materials in China concludes that the statement of “stop using organs from executed prisoners” is neither a State policy nor a legally binding legislation by the Chinese government.

The pivotal issue regarding the organ sources in mainland China has never been about executed prisoners. The statement is a deliberate fabrication to hide the unethical practice of live organ harvesting by the Chinese Communist Party (CCP). This report provides evidence to support the above argument.

### 1. The first admission of large scale use of prisoners’ organs by China’s Vice Minister of Health “opened up a Pandora’s box” and was denied by the Chinese government twice

In November 2005, at the World Health Organization’s (WHO) Western Pacific Regional Conference held in Manila, Huang Jiefu publicly acknowledged that the transplanted organs in China came mainly from executed prisoners.



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The conference documentation reads, “In China, most of the approximately 2,000 liver transplants and 6,000 kidney transplants performed each year come from cadaveric organs derived from executed prisoners<sup>2</sup>.”

In January 2015, Huang Jiefu said in an interview with Hong Kong based Phoenix TV that back in 2005, many people felt that he “had opened up a Pandora’s box” by publicly admitting the organ sources being executed prisoners. Huang added that he received “high-level support” only after he returned from the WHO conference<sup>3</sup>.

It is reasonable to conclude that November 2005 was the first time that Huang mentioned about executed prisoners being the source of transplant organs. Otherwise, there would not be the argument of “having opened up a Pandora’s box.” The earliest report about the Manila conference was published in the November 2005 issue of *Caijing Magazine*<sup>4</sup>. Afterwards, almost all Chinese reports cited from this article.

Although Huang Jiefu was the Vice Minister of Health at the time of the Manila conference, there was no indication that his claim regarding the organ source had been authorized by the CCP. Moreover, in the first half of 2006, two CCP spokespersons denied Huang Jiefu’s claim.

#### *March 2006: Huang’s statement denied by the Foreign Ministry Spokesperson*

On March 28, 2006, at a regular press conference, the Foreign Ministry spokesperson Qin Gang denied allegations of the existence of a Sujiatun Concentration Camp (where harvesting organs from live Falun Gong practitioners was being carried out), while emphasizing that “the numbers of organs used from executed prisoners for transplantation is very few, and the individual’s consent has to be obtained<sup>5</sup>.”

#### *April 2006: Huang’s statement denied by the Health Ministry Spokesperson*

On April 10, 2006, at a regular Health Ministry press conference, Health Ministry spokesperson Mao Qun'an said that organs used in the country's transplant surgeries mainly come from voluntary donations made by citizens before they pass away. He added: “For a fraction of inmates who have committed serious crimes and are awaiting the death penalty, body parts could be used only if they sign a medical document, or if their families approve,” he said. “It also needs the approval of the relative administrative and judiciary departments after strict scrutiny has been conducted.”<sup>6</sup>”

The above two cases of denial (that transplanted organs mainly came from executed prisoners) are more representative of the CCP’s official view back in early 2006.

## **2. Newly established Organ Transplant Committees missing from the Chinese government website and have no websites of their own**

At least three transplant related committees were setup by the CCP since 2006.

- o The Organ Transplant Committee (OTC) established in July 2006<sup>7</sup>.
- o The China Organ Donation Committee (CODC) established in 2008<sup>8</sup>.
- o The China Organ Donation and Transplant Committee established in March 2014 as the combination of OTC and CODC<sup>9</sup>.

Huang Jiefu was the head of all three committees.



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The March 2014 notice to combine OTC and CODC was jointly issued by the National Health and Family Planning Commission (NHFPC) and the Red Cross of China. The notice was posted on the NHFPC's website<sup>10</sup>. The NHFPC website categorizes its affiliated institutions into four categories, namely "Commission Institutions," "Directly Affiliated Units," "Business Executive Organizations," and "Local Health and Family Planning Departments." The China Organ Donation and Transplant Committee does not belong to any of the four categories.

China implemented the "government online project" more than a decade ago. Even the lowest-level government administrative agencies, townships and sub-district offices have their own official websites. But none of these transplant related committees have their own websites.

### **3. Huang Jiefu's director positions on the Transplant Committees missing from his official resume**

Huang Jiefu has been acting as the "unofficial spokesperson" on China's organ transplant situation since 2006. He frequently use titles such as (former) Vice-Minister of Health (October 2001 - March 12, 2012), Director of OTC (July 2006), Chairman of CODC (2008) and Chairman of China Organ Donation and Transplant Committee (March 1, 2014).

On the website where CCP officials' resumes are published, Huang Jiefu's only current position is the deputy director of the Central Health Committee. The Vice-Minister of Health is mentioned as his previous position. Also listed are other lower level medical-related positions, such as the director of liver surgical department at Beijing Union Medical College Hospital, as well as his positions at some Chinese and foreign medical universities. However, his director position on OTC, CODC and China Organ Donation and Transplant Committee, which are his frequently used titles when making announcements about China's transplant policies, are not listed<sup>11</sup>.

### **4. The CCP's Regulations and Provisions on the use of prisoners' organs have no legal binding**

Regarding the use of executed prisoners' organs for transplant, the CCP issued an "Interim Provision on the Use of Cadavers and Organs from Executed Prisoners" in 1984. Although the "Interim Provision" was jointly issued by the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of Justice, the Ministry of Health and the Ministry of Civil Affairs, it is not legally binding<sup>12</sup>.

On March 21, 2007, the "Regulations on Human Organ Transplantation" was promulgated by the State Council<sup>13</sup>. It is not a law, nor does it repeal the 1984 Interim Provision.

From a legal perspective, the CCP has not done anything to change its practice of using the organs from executed prisoners for transplants. Rather than listening to Huang Jiefu's announcements, the international community should be looking for the repealing the 1984 Interim Provision as a sign of CCP's intention to change.

### **5. Information about the number of executions and organs from prisoners is considered a state secret**



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On June 27, 2001, Dr. Wang Guoqi, a former doctor at Tianjin Armed Police Forces Hospital, testified before the U.S. Congress, exposing the hospital's use of organs from executed prisoners<sup>14</sup>. A week later, on a State Council Information Office press conference, the deputy director at Tianjin Armed Police Forces Hospital, Tian Fuming called Dr. Wang's testimony "a completely unfounded, fabricated, malicious anti-China farce, created for despicable purposes"<sup>15</sup>.

There was no further investigation into CCP's use of organs from death row prisoners, and the CCP was not pressured to explain the issue again. However, as the CCP has been under constant scrutiny regarding its annual number of executions, it has thus declared the number of executions a state secret. In addition to the numbers, organs from executed prisoners have also been treated as a state secret by the CCP.

Any accusations regarding these state secrets(i.e. major human rights violations) have been vehemently denied or blatantly ignored by the CCP, until a paradigm shift in its attitude towards these issues occurred around 2006.

## **6. Admitting to the use of prisoners' organs and manipulating the number of executions, the CCP attempts to cover a worse crime**

Since 2006, the CCP stopped denying the allegations of its using executed prisoners' organs. Moreover, it has been manipulating the numbers of executions, turning them into international focal points. Huang Jiefu is in the center of it all. WOIPFG has carried out a special investigation regarding this issue. The result can be seen in the report titled "How the Chinese Regime Uses the Former Vice Minister of Health, Huang Jiefu, to Conceal its Unethical Organ Procurement Practices"<sup>16</sup>.

Various international human rights groups annually release estimated number of executions in China. Amnesty International estimated about 1,600 executions annually<sup>17</sup>. However, these numbers are far too low to explain the surge in the organ transplant numbers in China since 1999 and the 10,000 transplants performed annually.

On March 7, 2013, Huang Jiefu told *Southern Metropolis Daily* in an interview: "During the past 10 years, China's number of executions has been declining at a rate of 10 percent per year<sup>18</sup>." Huang's statement made the execution number around 2003 much larger than what was estimated by the international human rights groups.

Coincidentally, the Dui Hua Foundation also noted in a report published in October 2014 that the numbers of executions were 12,000 in 2002, 6,500 in 2007, 3,000 in 2012 and 2,400 in 2013. Dui Hua Foundation revealed that they had obtained the information from "a judicial official, who has privileged access to Chinese state secrets, such as the annual numbers of executions<sup>19</sup>." This report also puts the execution number of 2002 much larger than the estimated numbers.

By increasing the number of executions over the past 10 years, the CCP attempts to close the gap between the annual transplant numbers and the execution numbers, so as to hide the real source of the transplanted organs, which is from the large population of prisoners of conscience, the majority of whom are Falun Gong practitioners.

## **Conclusion**



An insufficient supply of organ donors has been the bottleneck of organ transplantation around the world, including in developed countries, where a considerable number of citizens voluntarily participate in organ donation.

China is a country where people are traditionally against organ donation, and there is no organ donation and distribution system. However, within two years of launching a so-called voluntary organ donation system in China, the former Vice-Minister of Health, Huang Jiefu announced that China would no longer rely on the organs of executed prisoners. Rather than calling this a miracle, it would be more appropriate to call this wishful thinking or an outright lie.

The last public denial by a CCP official spokesman that executed prisoners' organs were being used took place in April 2006. The CCP's turning point from denying to acknowledging and even hyping up the use of executed prisoners' organs occurred after April 2006, coinciding with a most significant event in March of that year. Two witnesses from China exposed the crimes of harvesting the organs of living Falun Gong practitioners by a hospital in Sujiatun district, Shenyang city, Liaoning province.

The hyping up China's use of executed prisoners' organs was not intended as an admission to having committed a crime or broken international ethics standards, but rather an unofficial response to the allegations that the CCP was condoning large-scale live organ harvesting from Falun Gong practitioners.

The international community should not be confused by Huang Jiefu's claims, and should not set its main focus on whether or not China uses executed prisoners' organs for transplantations. The focus should be to demand that Chinese authorities provide the true identities of the organ "donors" of the past 15 years. It is especially important not to be deceived by the so-called citizen organ donation system touted by Huang Jiefu. In 2013, Huang acknowledged that he had performed more than 500 liver transplants in 2012 alone<sup>20</sup>. The international community should demand that Huang provide the donor sources of these livers, rather than hastily accepting his talks, which were not officially recognized by the CCP.

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