

A presentation by David Matas to the International Academic Forum Conference on Identity, 24 March 2017, Kobe Japan

Introduction

I have been researching, writing and speaking on the killing of Falun Gong for their organs in China now for over ten years. In the effort to combat the killing of Falun Gong for their organs in China, I have been front and centre along with David Kilgour and Ethan Gutmann. None of us are Falun Gong practitioners. None of us have ever been Falun Gong practitioners. None of us have any relatives who are Falun Gong practitioners. None of us have Chinese ancestry. None of us have any personal or family ties to China.

In general, my own view is that a group which is victimized should assume leadership in the combat against its victimization. The role of outsiders should be secondary, showing solidarity.

Women should lead the struggle against sexism. Blacks should be at the head of the combat against discrimination against blacks. Aboriginals should be in charge of the battle for aboriginal rights. Gays should be directing the efforts to respect gay rights. And so on.

It would be odd to expect or insist that men lead the fight for women's right or that whites direct the struggle for black or aboriginal rights or that straights head the effort to respect gay rights and so on. Indeed, insisting on this sort of inversion would be a form of denial of the equality which is being sought.

Yet, there is a logic to the leadership of Ethan Gutmann, David Kilgour and me in the effort to end the killing of Falun Gong for their organs. Before I get into that logic, let me say a few explanatory words about Falun Gong and organ transplant abuse in China.

Background

Falun Gong is a blending and updating of traditional Chinese spiritual and exercise traditions, Buddhism, Taoism and qi gong. The most well known qi gong exercise is Tai Chi, but there are many variations.

The founder of Falun Gong is Li Hongzhi, who began the teaching of the practice in 1992. The Communist Party of China initially encouraged the practice. With that encouragement, the practice grew within the space of seven years from scratch to a practitioner population of 70 million people, according to the estimates of the Government of China. Practitioners did the exercises outside in groups and there were 3,000 practice stations in Beijing alone.

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Communist and Falun Gong beliefs are quite different. The Communist Party is atheist and Falun Gong is spiritual. The Party sees itself as modern and Falun Gong beliefs are connected to pre-Communist Chinese traditions.

By 1999, there were more practitioners of Falun Gong than members of the Communist Party, numbering 61 million. At this point, the Communist Party came to fear that the continuation of its ideological supremacy was threatened and switched course. So, the Party decided to repress the practice, without legally banning it.

The repression led to mass protests. Protesters were arrested and asked to recant. If they did not recant, they were tortured. If they did not recant after torture, they disappeared, in the hundreds of thousands, into Chinese arbitrary detention system.

The fact that China, overnight could go from encouraging the practice of Falun Gong to mass arrests of Falun Gong practitioners, without any change in the law, highlights Communist Party control of the legal system and the absence of the rule of law in China. The Party uses the legal system as it sees fit to apply its policies, whatever they may be at the time and even as they change over time, without the need to change the laws. Laws mean what the Party decides they mean.

At the time that Falun Gong was spreading across China, China was switching from socialism to capitalism. The Government was withdrawing money from the health sector and expecting the health sector to make up the loss of funds through private enterprise. Indeed, what prompted the initial Communist enthusiasm for Falun Gong was, in part, that its exercises are beneficial for health and cut down costs on the health system.

From the inception of transplantation in China, organs for transplants were sourced from prisoners, initially prisoners sentenced to death and then executed. The prisons and courts became an organ distribution system. A cultural inhibition against donations as well as the absence of an organ donation system meant that prisoners were virtually the only source of organs for transplants.

Once the Communist Party decided to repress Falun Gong, the Party developed a justification and vocabulary of repression which had nothing to do with the reason for the repression. Justifying the repression on the basis of popularity, which, practically, was the driving force behind the repression, does not have much a ring to it. Rather the Party levelled every insult they could think of – vampirism, cannibalism, including the claim that Falun Gong ate their own children, forced prostitution, induced suicide and so on. The accumulation of slanders was encapsulated under the rubric “evil cult”.

As a spiritual group or movement, the practice of Falun Gong had some singularities which made it vulnerable. Everything about Falun Gong was and is public, posted on the internet. Some Falun Gong practitioners have banded together to form a variety of voluntary associations. However, if anyone wants to practice to Falun Gong, there is no organization that one needs to join. There is nothing that needs to be paid. A person can start doing the exercises wherever and whenever he or she wants and stop whenever she wants. While

exercises are often done in groups, they can also be done alone.

This flexibility made it easy for anyone who wanted to become a Falun Gong practitioner. But it also made it impossible for the Party to control. For the traditional established religions, the Party was able to appoint bishops, imams and priests. But there was no one the Party could appoint to lead Falun Gong, since Falun Gong, in an organizational or institutional sense, is leaderless.

For Falun Gong practitioners, this combination was deadly — the repression and vilification, the mass arbitrary indefinite detention, the need of the health system for funds with the switch from socialism to capitalism and the traditional sourcing of organs for transplants from prisoners. Across China, organ transplant sales became the primary source of funds for the health system and the detained Falun Gong population became the primary source of organs.

Needless to say, the Communist Party of China did not issue press releases with updates about how many Falun Gong were being killed for their organs. The watchwords, on the contrary, were denial, coverup, data destruction, obfuscation and counter attack.

The first break in the wall of silence was a public statement by a whistleblower with a pseudonym Annie who stated in March 2006 that her ex-husband had been harvesting the corneas for transplant of Falun Gong practitioners in Sujiatun hospital in Shenyang City in Liaoning Province in China. She said that other doctors in the hospital had been harvesting other organs from the practitioners, that the practitioners were killed through the organ extraction and that their bodies were cremated.

A Washington based NGO, the *Coalition to Investigate Persecution of Falun Gong*, went to the *Congressional Executive Commission on China* to ask them to follow up on what Annie had said. The Commission said that an expert independent human rights report was necessary. So, the Coalition came to me and David Kilgour, a retired member of Parliament and Minister of State.

For my part, I was glad to try to help. I was familiar with the repression of Falun Gong in China because of my refugee law practice. I knew that the research involved would be different from what the established human rights organizations typically do but not that different from what I do in order to prepare for refugee protection claims of my clients. And I felt it was important for those with no connection to China to take seriously evidence of victimization in China.

David Kilgour and I produced our report, first in July 2006, then, in a second version in January 2007, and then in book form in August 2009, all under the title [Bloody Harvest](#). Ethan Gutmann was one of the many journalists who interviewed us about our work. And then he did his own work, a book he published under the title [The Slaughter](#) in August 2014.

The three of us on the website, www.endorganpillaging.org post our joint work on the issue. In June 2016 the three of us co-authored an update on our work. We founded an NGO,

The International Coalition to End Organ Pillaging in China with the acronym EOP.

General explanations

All that is pretty straightforward. What was surprising to me was the centrality our advocacy achieved on the issue. Ethan Gutmann, David Kilgour and I became not just the researchers and writers on the killing of Falun Gong for their organs. We and the NGO EOP we founded became the voice and face of advocacy on the issue. Why this is so requires some explanation.

One is the repression in China. We who are outside China speak for victims inside China because they can not speak for themselves. Neither can non Falun Gong activists or advocates who are located in China. A human rights advocate in China will become a human rights victim.

A quintessential example is *Gao Zhisheng*, a human rights lawyer and not a Falun Gong practitioner who, within China, stood up against the persecution of Falun Gong, including the killing of Falun Gong for their organs. For his honesty, he had his practice shut down; he was disbarred; the government seized his office and fired his staff; he was arrested, beaten and tortured. His family fled China and are now refugees in the US. I applaud his courage. But we can not realistically expect others to do what he did. We who are outside China must stand up for victims in China because the victims of China can not stand up for themselves.

But what about members of the Falun Gong community outside of China? Why is it we, and not they, who have become the voice and face of protest?

One answer is that victims are not necessarily human rights researchers and writers. They know what happened to them. But they may not know why it happened or what happened to others.

As well, the victimization has destroyed most of the victims. Very few people, although there are some, can say they survived an attempt in China to kill them for their organs. The voice of the victims has to be voice of someone other than the victims.

Falun Gong beliefs have three basic principles – truthfulness, compassion and tolerance. The belief in truthfulness is an important asset for human rights advocacy.

Many other victim groups, because of the trauma of victimization, want to move on, to forget, to lead as close as possible the lives they led before the victimization. Telling what happened to them is a retraumatization. So they avoid it.

Unorganized

For practitioners of Falun Gong, who believe in truthfulness, the situation is different. They are prepared to confront their victimization, however personally painful it is for them. Many of the Falun Gong torture victims have lived to tell. And unlike other torture victims, they are often willing to tell.

The unorganized nature of Falun Gong helps in part to explain the situation. Because Falun Gong is not an organization, there are no offices; there is no staff; there is no bank account. A set of exercises can not hire researchers or writers or publicists. A set of exercises can not issue reports and press releases. A set of exercises can not make speeches or convene press conferences. All that has to be done by people. In the absence of an organization which could marshal such people, that sort of effort fell to David Kilgour, Ethan Gutmann, me and the NGO we founded, EOP.

This is a secular age. Religious and spiritual beliefs are receding. There is, of course, a rise of Islamic fundamentalism. However, that phenomenon and its associated terrorism are viewed, rightly, with horror.

The secular world accepts the traditional religions, but looks askance at the rise of new spiritual beliefs. We pass over without thinking much about traditional religious beliefs such as that the universe was created in seven days or that the Red Sea parted or that there exists cherubs, babies with wings. We wonder, in contrast about modern, newly developed metaphysical beliefs. The practice of Falun Gong has become victim of modern day sceptical secularism.

Incitement as an explanation

There is though, on top of this, something more insidious at play. The incitement to hatred against the Falun Gong, like all incitement to bigotry, has an impact. The place with the most ferocious impact is China, where the propaganda is uncontradicted. But the incitement has an effect everywhere.

Even in democratic states, people may know enough not to swallow Chinese propaganda whole. But there is often a tendency to think that where there is smoke, there is fire.

American law professor Mari Matsuda, when addressing incitement to racial hatred, describes the phenomenon this way:

“At some level, no matter how much both victims and well meaning dominant group members resist it, racial inferiority is planted in our minds as an idea that may hold some truth. The idea is improbable and abhorrent, but because it is represented repeatedly, it is there before us. ‘Those people’ are lazy, dirty, sexualized, money grubbing, dishonest, inscrutable, we are told. We reject the idea, but the next time we sit next to one of ‘those people’ the dirt message, the sex

message is triggered. We stifle it, reject it as wrong, but it is there, interfering with our perception and interaction with the person next to us."

The Chinese noise about the practice of Falun Gong confuses and obscures. Many of those who do not accept in its entirety Chinese propaganda against the Falun Gong, nonetheless, hold the view that there must be something improper about Falun Gong behind all the Chinese government charges.

Foreigners generally do not have either the acquired knowledge or the time and energy to do the research to contradict Chinese Communist propaganda. Scepticism about the Falun Gong is not based on anything real in the practice of Falun Gong but is just the residual impact of Chinese Government/ Communist Party incitement against the practice.

Foreigners who know nothing about Falun Gong may view Chinese Communist claims with scepticism, but nonetheless make generalizations about Falun Gong based on superficial impressions and little knowledge from the few Falun Gong they come across. Yet, Falun Gong advocates are an unrepresentative section of Falun Gong. Falun Gong advocates, by the very nature of advocacy, are going to be assertive. There are plenty of quiet, diffident, shy Falun Gong practitioners. But foreigners are unlikely to meet them or become aware of them.

Communism has poisoned the Chinese well in more ways than one. Repression and denial of the rule of law are only part of it. There is also the poisoning of discourse. Propaganda has become in China a widely accepted form of communication. Even those opposed to the message often adopt the style, because that is what they know. Chinese Communist discourse is repetitive, tendentious, opinionated, graphic, angry, exaggerated and histrionic.

A standard rule of communication is "Don't tell me; show me". Chinese Communist discourse is the diametric opposite. It consists of beating the listener and watcher repeatedly over the head with the desired message. Those who come from China, even if they end up being opposed to Communism, tend to communicate their opposition in the same way that Communists indicate their support. The style of rhetoric of persuasion the Communists teach in China remains even when the content shifts.

Foreigners are often struck by the strident advocacy of Chinese Falun Gong practitioners. Shouting drowns out speaking. Chinese Falun Gong advocacy sometimes seem to outsiders the only advocacy there is.

Chinese Falun Gong practitioners often think, understandably, of their primary audience as Chinese. Change in China, after all, has to come from within China, effectuated by the Chinese. Chinese Falun Gong practitioners often adopt a style of discourse more suited to persuading their Chinese counterparts than to persuading foreigners.

There is a natural response to the labelling of Falun Gong as an evil cult, amongst Falun Gong practitioners, that Falun Gong is good. Objectively, it should not matter whether Falun Gong is good or bad. No one at all, good or bad, should be killed for their organs. The value of the practice of Falun Gong is an irrelevancy. Within the Chinese context, there is a felt need

nonetheless to answer slander with its opposite. This has the unfortunate side effect of making Falun Gong practitioners seem to be proselytizing.

Propaganda

The Chinese Government organ transplant establishment has its own propagandists directed to foreigners, such as Huang Jiefu or Wang Haibo, speaking about Falun Gong in a Western discourse, in a language to which foreigners can connect. Foreigners, although they may not buy the farfetched claims of the Communist Party of Falun Gong practice, may buy the more tempered but nonetheless inaccurate statements about Falun Gong coming from Communist Party spokespersons adopting Western discourse, that Falun Gong are political, that Falun Gong, through false claims of organ transplant abuse, aim to discredit Communist Party rule over China. Yet, while the Falun Gong community, it should go without saying, abhors the persecution to which they have been subject, they are otherwise apolitical.

The result of all this scepticism towards Falun Gong means that Ethan Gutmann, David Kilgour and I end up carrying not just the research and writing load on this file but also, with the NGO EOP we founded, the advocacy and activist role. It should not be this way, but being a Falun Gong practitioner has become a liability in advocating the end to the killing of Falun Gong in China for their organs.

I am often asked whether I am a Falun Gong practitioner. The answer I give is no. The answer I would like to give is that it should not matter, that the question is not proper. However, when my primary concern is organ transplant abuse, I do not want to alienate the persons to whom I am talking by telling them that they are asking the wrong question.

Falun Gong practitioners face a similar problem. In order not to undermine their own work, in order not to spark bigotry in their interlocutors, many, when acting against organ transplant abuse in China, often do not disclose that they are practitioners. When asked directly, they would say so. But not asked, they say and show nothing about their Falun Gong connection, in order not to arouse a bigoted response.

Bigotry varies. Indeed, to assert the opposite would be a form of bigotry. Some people are bigoted; other are not. In some countries, there is a prevalence of bigotry; in others there is not.

In some countries, the leadership in the effort to combat organ transplant abuse in China is Falun Gong, without problem. Spain and Taiwan come to mind.

In other countries, scepticism directed to Falun Gong leadership in the effort to combat organ transplant abuse in China has led Falun Gong practitioners both to be discreet about their Falun Gong beliefs when addressing the issue and to rely on spokespersons who are not Falun Gong. Australia and Japan strike me as examples of this second phenomenon.

For some people, the issue is not so much Falun Gong, to which many foreigners are

indifferent. The issue is rather China. China looms so large economically and politically that whatever the Government of China wants and does not want matters inordinately, no matter how seemingly irrational the Chinese government inclinations.

We see a lot of **secondary discrimination** against Falun Gong. This arises not so much because those discriminating have any misinformed hostile views about Falun Gong. It arises rather because people will bend over backwards to do what the Government of China wants or what foreigners think they might want.

One of the ironies of the work that David Kilgour, Ethan Gutmann and I have done is that our critics, who have a wide and wild variety of zany objections to our work, say we are manipulated by and have become the voice of Falun Gong. In fact, it is the opposite. Rather than our repeating what Falun Gong practitioners say, it is they who repeat what we say.

In any case, the suggestion that we are mouthing the words and thoughts of Falun Gong is supposed to be a form of discreditation. Yet, one would have to think poorly about Falun Gong in the first place in order to accept this sort of comment as a criticism.

My own inclination, as a human rights advocate, is to combat incitement and bigotry, including the notion that practitioners of Falun Gong are not credible spokespersons for their own victimization. I would happily hand over leadership of the file to the Falun Gong community.

Instead we see the opposite. I mentioned that David Kilgour and I got involved in the file initially because in 2006 a NGO focussed on persecution of Falun Gong was advised to get outsiders involved. A similar dynamic happened with the 2016 update.

The writing on the update was our own and was based overwhelmingly on primary Chinese sources, which we accessed with the help of our own Chinese language investigators. We were nonetheless prompted to do the work by reason of the failure of a similar effort by the Falun Gong based *World Organization to Investigate Persecution of Falun Gong* (WOIPFG).

The World Organization to Investigate Persecution of Falun Gong, before us, did similar research to ours, looking at overall Chinese transplant volumes by aggregating data from individual hospitals. Their work did not receive much attention. The result was that Falun Gong practitioners, out of frustration, came to us to ask us to tackle this subject.

Solutions

There is a way of circumventing the identity problem a focus on Falun Gong persecution poses, by generalization. Instead of addressing the killing of Falun Gong for their organs, we could address the killing of prisoners of conscience for their organs.

Falun Gong are not the only victims in China of organ transplant abuse. Muslims – Uighurs in

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Xianjing, Buddhists – Tibetans, and Christians – Eastern Lightning, are also victims. Uighurs were the first prisoner of conscience victims, before Falun Gong.

Focussing on the killing of prisoners of conscience for their organs avoids the need to explain what Falun Gong is and the bigotry directed against Falun Gong. Moreover, ending only the killing of Falun Gong for their organs, does not solve the more general problem in China of organ transplant abuse. Reform in China has to be systemic and not just an alleviation of the persecution of one set of victims.

As well, the best way to confront bigotry is to attack the phenomenon, not just one particular manifestation. What is wrong with stereotypes is stereotyping, not just the particular stereotypes used against one victim group.

All the same, the victimization of Falun Gong can not be ignored. Falun Gong are, by far, the primary victims of organ transplant abuse in China. Manfred Nowak, then the UN Special Rapporteur on Torture, in his 2006 report on his 2005 mission to China indicated that 66% of the victims of torture and ill treatment in China were Falun Gong practitioners. Uighurs were 11%. All other groups were single digits.

The Falun Gong percentage of organ transplant abuse is likely to be significantly greater than its percentage of torture victimization, because many categories of torture victims are not also candidates for murder through organ extraction. Falun Gong victimization through organ transplant abuse dwarfs all others.

It is impossible to understand what is going on in China without a focus on Chinese particularities. Attempting to explain what is going on in China by relying only on general categories which could apply anywhere is misleading, because it makes China seem like other places, and it is not.

It would be odd to combat, say, racial discrimination in the US while studiously avoiding all mention of discrimination against blacks. It is unimaginable that anyone would seriously combat gender discrimination without addressing directly discrimination against women.

When combatting organ transplant abuse in China, generalizations and reference to other victims are helpful, indeed necessary. But they are better used as companions to a focus on Falun Gong rather than as a technique for avoiding mention of Falun Gong.

I suspect many of us would feel ill at ease if the assertion of women's rights would be credible only if articulated by men. While support of men is essential, it should be just that, support, and not co-optation.

Yet, the very persecution of Falun Gong and its concomitant stereotypes and incitement, have led us into this impasse where, for many, only the non-Falun Gong are accepted as credible and where the supposedly worst criticism that can be levied at us who

oppose the persecution of Falun Gong is that we are being manipulated by Falun Gong. I look forward to the day when the persecution of Falun Gong ends. But even before that, I look forward to the day when leadership in opposition to the persecution of Falun Gong by Falun Gong is seen as both credible and natural.

David Matas is an international human rights lawyer, author and researcher based in Winnipeg and currently acts as Senior Honorary Counsel for B'nai Brith Canada. He has served the government of Canada in numerous positions including as member of the Canadian delegation to the United Nations Conference on an International Criminal Court; the Task Force for International Cooperation on Holocaust Education, Remembrance and Research; and the Organization on Security and Cooperation in Europe Conferences on Antisemitism and Intolerance. He has also been involved in several different organizations, including the Canadian Helsinki Watch Group, Beyond Borders, Amnesty International, and the Canadian Council for Refugees.