

An Overview of the China Tribunal: Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China

Forced organ harvesting (FOH) is a form of organ trafficking in which people are killed for their organs to be removed for transplantation. The recipients of trafficked organs, who may be Chinese citizens or transplant tourists who travel to China, pay substantial sums to receive the trafficked organs.

The victims of FOH are primarily people who follow the Buddha School meditation practice of Falun Gong, along with Uyghur Muslims (a Turkic ethnic group currently being detained in vast numbers in the Xinjiang

region) and reportedly Tibetan Buddhists and House Church Christians.

Concerns about FOH have been raised with Chinese officials and Chinese medical practitioners on numerous occasions, but are routinely met with denials that are not supported by evidence of the claimed voluntary organ donation system. At times, Chinese medical professionals have been dismissive of evidence of FOH, but these dismissals fail to engage with the substance of the allegations.

Overview of the China Tribunal

The China Tribunal, chaired by Sir Geoffrey Nice, QC (who formerly served as lead prosecutor of Slobodan Milosevic at the United Nations International Criminal Tribunal for the Former Yugoslavia – the ICTY), has conducted the first independent legal analysis of all available evidence regarding forced organ harvesting from prisoners of conscience in China in order to determine what criminal offences, if any, may have been committed by individuals affiliated to state or state-approved bodies, organisations or officials in China that may have engaged in forced organ harvesting.

Joining Sir Geoffrey Nice QC were six panel members from the US, UK, Malaysia and Iran; bringing expertise in international human rights law, transplant surgery, international relations, Chinese history and business.

The China Tribunal was initiated by the International Coalition to End Transplant Abuse in China (ETAC), a human rights charity comprising of lawyers, academics, medical professionals, researchers and human rights advocates dedicated to bringing an end to forced organ harvesting in China. ETAC felt compelled to establish the China Tribunal given the many reports, some from very eminent bodies, that have dealt with forced organ

harvesting but that have not dealt specifically with whether China's transplant practices have amounted to – or included – commission of international criminal offences. Whilst ETAC initiated the Tribunal, there was a necessary and scrupulous separation between ETAC and the Tribunal. All evidence submitted and communications were via Counsel to the Tribunal, Hamid Sabi.

The Tribunal issued a public call for evidence and counter evidence and over a period of 12 months, conducted public hearings in December 2018 and April 2019 where over 50 fact witnesses, experts and investigators contributed evidence. The China Tribunal also received expert legal opinions from Edward Fitzgerald QC and Datuk N. Sivananthan.

The Tribunal contacted representatives of the WHO, The Transplantation Society (TTS), the Declaration of Istanbul Custodian Group (DICG) and the Pontifical Academy of Sciences (PAS), along with prominent Chinese transplant professionals and the Chinese Government, inviting them to provide evidence on past and present transplant practices in China.

In June, 2019, the China Tribunal announced that the allegations had been proved **beyond reasonable doubt**. The Tribunal's Judgment, in part, announced that:

- ***“Forced organ harvesting has been committed for years throughout China on a significant scale and ... Falun Gong practitioners have been one - and probably the main - source of organ supply.”***
- ***“In regard to the Uyghurs the Tribunal had evidence of medical testing on a scale that could allow them, amongst other uses, to become an ‘organ bank’.”***
- ***“The Tribunal has no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues till today.”***
- ***“Commission of Crimes Against Humanity against the Falun Gong and Uyghurs has been proved beyond reasonable doubt...”***
- ***“Governments and any who interact in any substantial way with the PRC [People’s Republic***

of China] should now recognise that they are, to the extent revealed above, interacting with a criminal state.”

CHINA TRIBUNAL JUDGMENT

Download the Short Form Conclusion, Summary Judgment and Full Judgment -

<https://chinatribunal.com/final-judgment/>

China Tribunal Judgment short documentary (8 mins) - <https://chinatribunal.com/finaljudgement-video/>

Video footage of the hearings -

<https://chinatribunal.com/the-hearings/> and

<https://chinatribunal.com/the-hearings-april-2019/>

Written testimonies and all submissions to the Tribunal - <https://chinatribunal.com/submissions/>

Reading material viewed by the Tribunal including reports and investigations can be viewed at <https://chinatribunal.com/readingmaterial/>

Call for action

The China Tribunal issued a ‘Call to Action’ urging the international community to help bring to an end to the horrific illegal practice of forced organ extraction from innocent victims, and the immoral organ trade that it fuels.

In the Judgment, The China Tribunal noted:

“that forced organ harvesting is of unmatched wickedness even compared - on a death by death basis - with the killings by mass crimes committed in the last century. There is justifiable belief in the minds of some or many - rising to probability or high probability - that Genocide has been committed.

“In line with this, and by considering the evidence and the law, there can be no doubt that there is a duty on those who have the power to institute investigations for, and proceedings at, international courts or at the UN to test whether Genocide has been committed. They should act immediately to determine accountability for any acts contrariety to the provisions of the Genocide Convention.”

In light of the Tribunal’s Judgment, there is a need for urgent action.

These actions include to:

- Universities and hospitals should Immediately stop all transplant related collaboration with China, including transplant research and training.
- Governments must introduce and support legislation that specifically prohibits transplant tourism.
- The International Community should publicly condemn forced organ harvesting and call for a Commission of Inquiry into Forced Organ Harvesting from Prisoners of Conscience in China.
- The Chinese Government must be held accountable for “The commission of Crimes Against Humanity against the Falun Gong and the Uyghurs...”