

# CONFERENCE REPORT

## The Uyghur Crisis: China's Laboratory for Rights Abuses

World Uyghur Congress | December 2020



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The World Uyghur Congress (WUC) is an international organization that represents the collective interests of the Uyghur people in both East Turkestan and abroad. The principle objective of the WUC is to promote democracy, human rights and freedom for the Uyghur people and to use peaceful, nonviolent and democratic means to determine their future. Acting as the sole legitimate organization of the Uyghur people, the WUC endeavors to set out a course for the peaceful settlement of the East Turkestan Question through dialogue and negotiation.

The WUC supports a nonviolent and peaceful opposition movement against Chinese occupation of East Turkestan and unconditional adherence to internationally recognized human rights standards as set out in the Universal Declaration of Human Rights. It adheres to the principles of democratic pluralism and rejects totalitarianism, religious intolerance and terrorism as an instrument of policy.

For more information, please visit our website: [www.uyghurcongress.org](http://www.uyghurcongress.org)



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**December 2019**

## SUMMARY

On December 10<sup>th</sup>, International Human Rights Day, the World Uyghur Congress (WUC), in cooperation with the Unrepresented Nations and Peoples Organisation (UNPO), held a successful media training workshop for Uyghur activists and a day-long conference entitled 'The Uyghur Crisis: China's Laboratory for Rights Abuses' in Brussels, Belgium.

It was the aim of this event to bring together various experts with human rights groups, researchers, policy-makers, and Uyghur leaders to discuss the issue of the region of East Turkistan (and the Uyghur people) used as a laboratory for Chinese policy and technological development.

The current crisis in East Turkistan has seen an estimated 1.5-3 million innocent Uyghurs, Kazakhs and other ethnic Turkic peoples arbitrarily detained in internment camps, which constitutes a crime against humanity. The Chinese government has targeted Uyghur culture, language, religion, history and ethnic identity in a campaign of mass social reengineering and cultural genocide. Uyghurs are unable to enjoy their most basic rights and freedoms and the region has been described by the UN Committee for the Elimination of Racial Discrimination (UNCERD) as a 'no rights zone'.

In the context of these ongoing atrocities and in the complete absence of transparency, accountability or justice, the Chinese government have used the Uyghur people as guinea pigs for a series of repressive and dehumanizing policies. The Chinese government and affiliated Chinese companies have used the ongoing crisis to test and pioneer a dystopian system of security and surveillance technology on the Uyghur people to monitor and control the Uyghur population. This is already having major

implications for global security and human rights as this technology is now being exported around the world.

While Uyghur society has been subjected to this repressive and invasive technology, Uyghur bodies and organs have also been repeatedly tested and harvested. Predating the internment camp system, the Chinese government had already started to forcibly collect blood and other biometric data from Uyghurs. This only accelerated with the implementation of the internment camp system. Nearly every camp survivor has testified they were forcibly subjected to medical examinations and forced to take pills and other unknown medication while in detention which resulted in a range of negative side effects.

A growing body of evidence has also pointed the fact that Uyghur prisoners and camp detainees were having their organs harvested and sold by Chinese officials. The complete absence of oversight or accountability in the camps laid the perfect conditions for organ harvesting to flourish. This abhorrent practice has persisted throughout China for many years, often targeting perceived enemies of the Chinese governments and vulnerable segments of society. Despite the severity and extent of this practice, very little attention has been paid to the issue by the international media or policy makers.

By hosting this conference in the heart of the European Union, the WUC and its partners have sought to shine a light on these dehumanizing policies and practices and to mobilize greater awareness and a willingness to take concrete action in the EU.

This conference was organized into thematic four panels focused on detailing the situation on the ground, providing concrete evidence for organ harvesting and focusing on providing concrete recommendations for further action.

The conference began with an introductory session held in the European Parliament and hosted by Member of the European Parliament Raphael Glucksmann from the S&D political group, with the remaining three panels being held at the Université Libre de Bruxelles (ULB).

The remaining three panels of the conference were held at the ULB campus in Brussels and were focused on the use of organ harvesting and repressive security and surveillance technologies, as well as their implications for the EU and other states. Panelists were encouraged to give concrete, action-orientated recommendations on what was needed to effectively address and counter these serious human rights violations.

## ABOUT THE ORGANIZERS

### **World Uyghur Congress**

The World Uyghur Congress is an international organisation that represents the collective interest of the Uyghur people both in East Turkestan and abroad. The WUC was established in April 2004 in Munich, Germany, after the East Turkestan National Congress and the World Uyghur Youth Congress merged into tstone united organisation. The main objective of WUC is to promote the right of the Uyghur people to use peaceful, nonviolent, and democratic means to determine the political future of East Turkestan. The WUC has been supported in part by the National Endowment for Democracy.

### **Unrepresented Nations and Peoples Organization**

The Unrepresented Nations and Peoples Organization (UNPO) is an international

membership-based organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their fundamental human rights. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression. The WUC was a founding member of UNPO and works closely with the organization, especially with regards to its activities in Brussels.

### **Raphael Glucksmann MEP**

Mr. Raphael Glucksmann is a Member of the European Parliament (MEP) representing France. He is a member of the Socialist and Democrats (S&D) political grouping in the European Parliament and is the Vice President of the European Parliament's Subcommittee on Human Rights. Mr. Glucksmann assisted with facilitating the opening session of this conference in the European Parliament, hosting the event and delivering a keynote speech. Mr. Glucksmann and his team have been outspoken on the Uyghur human rights crisis and human rights issues around the world more generally, raising attention and pushing for concrete action. We thank Mr. Glucksmann and his team for their role in making this conference a reality.





## Panel 1: Opening Session at the European Parliament

The conference began with an opening session held in the European Parliament and hosted by Member of the European Parliament Raphael Glucksmann from the S&D political group.

This first panel sought to introduce and raise further awareness of the current crisis in East Turkistan in the European Parliament and among European decision-makers. This session took a broad approach to the topic and included a range of voices looking at different angles of the crisis. MEPs, human rights activists, medical experts, politicians and representatives of the Uyghur diaspora attended the session to discuss the issue of the region of East Turkistan (and the Uyghur people) used as a laboratory for Chinese policy and technological development.

### **Moderated by:**

- Ryan Barry, WUC Policy Coordinator

### **Speakers included:**

- Raphael Glucksmann MEP
- Dolkun Isa, President of the WUC
- Lucia Parrucci, Advocacy Officer for UNPO
- Enver Tohti, Former Surgeon and Activist Against Organ Harvesting
- Olsi Jazexhi, Journalist
- Sophie Richardson, Head of the China Desk for Human Rights Watch
- Andrea Ngombet, Human Rights Activist and Head of Sassoufit Collective

### **Raphael Glucksmann MEP**

Member of the European Parliament Raphael Glucksmann, who hosted the opening session of the conference at the European Parliament,

opened the conference with a powerful speech.

Raphael Glucksmann MEP has been one of the strongest and most outspoken voices in the European Parliament about the atrocities being committed against the Uyghur people and on human rights in general.

Mr. Glucksmann MEP acknowledged the severity of the crisis and lamented the lack of an adequate response from the international community. He noted that many democracies remained silent on the issue and that Muslim states had even supported China's crackdown. He stated that even in the European Parliament, some political groups had remained absent on the issue. Despite the resolution passed on the issue, there was not enough solidarity with the Uyghur people.

He continued, noting the European Parliament's decision to award Ilham Tohti the 2019 Sakharov Prize. However, this is not enough, he stated, and he called for action. The EU must pressure the Chinese governments and we must pressure our own governments on the issue. His own government, the French government, had failed to raise the issue with their Chinese counterparts in bilateral meetings. He stated:

**“This cannot last. At a point we have to ask ourselves what are the principles we stand for. (...) Are we to say that all men are equal in rights, except Uyghurs? Or except with countries with whom we have big contracts?”**

The issue was about human solidarity with people in the camps and a nation that was being erased from the map.

He concluded his opening remarks by noting that the Uyghur crisis and China's lack of respect for human rights had significant implications for the entire international community, saying:

**“By defending the Uyghurs today or Tibetan or the Hongkong demonstrators we are also defending ourselves tomorrow.”**

### **Dolkun Isa**

WUC President Dolkun Isa then delivered some introductory remarks to the participants of the conference and thanked all those present for their attention and concern, especially those who had travelled long distances to participate. Mr. Isa also thanked the co-organisers of the event, Mr. Glucksmann and the Unrepresented Nations and Peoples Organisation for their work and assistance.

Mr. Isa began his speech by introducing the central idea of the conference and its main objectives. The conference, he said succeeded in bring together health and medical experts with human rights groups, researchers, policy-makers, and Uyghur leaders to discuss the CCP's numerous human rights violations and use of organ harvesting and testing of repressive technology on the Uyghur people. The conference allowed us to present eye-witness testimony and expert analysis of the Uyghur crisis at a European level and to develop strategies to pressure the Chinese government to close the camps and stop their repressive policies. Now, he asserted, the time has come to step up our activities to defend Uyghur human rights even more vocally.

Mr. Isa continued, noting that the year marked the 70<sup>th</sup> anniversary of the founding of the People's Republic of China, which for the Uyghur people meant 70 years of repression. However, the current situation faced by the Uyghur people was unparalleled in scale and severity as the Uyghurs faced a systemic attack on everything that makes the Uyghur people unique. He went on to summarize the current crimes against humanity being perpetrated against the Uyghur people and asserted that, despite the increasing awareness of the current crisis, 1-3 million Uyghurs remain arbitrarily detained in internment camps in one of the largest mass arbitrary detentions in modern history. He stated that the oppressive security and surveillance measures made life in East Turkistan unbearable, as Uyghurs were constantly monitored.

He therefore emphasized that the upcoming discussions must always have a focus on concrete action. We must ask ourselves, how can we stop the use of this technology and stop the spread of this repressive technology around the world.

He continued, expressing gratitude to the EU and national governments for the actions they had taken to address the crisis thus far, but made clear that real, concrete action was necessary to bring an end to the suffering of the Uyghur people. He asserted:

**“Human rights must be at the forefront of the EU's relationship with China, not an afterthought. (...) The time for silence on our suffering is over”.**

### **Lucia Parrucci**

Lucia Parrucci spoke on behalf of the Unrepresented Nations and Peoples Organisation (UNPO), who had helped to cosponsor this conference.

The WUC is a founding member of the UNPO and works closely with the organisations and its members to collectively defend human rights and promote solidarity between marginalized and persecuted groups. The WUC and UNPO have a successful partnership in raising the issue of the Uyghur crisis in the European Parliament in particular. As such, Ms. Parrucci spoke about the role of the European Parliament and the necessary response to the Uyghur crisis in her remarks.

Ms. Parrucci reflected on how the awareness of the Uyghur crisis and the Uyghur people had increased dramatically in the European Parliament in recent years, due particularly to the important work of activists and NGOs. The European Parliament has taken a number of important measures to address the Uyghur crisis, especially the internment, including passing 3 resolutions relevant to the situation in East Turkistan in the past 2 years, an increasingly vocal EEAS and the individual actions of MEPs. She stated:

**“We really need to use the momentum to make sure that all the countries which are part of the EU will understand how serious the situation is.”**

A key part of the growing momentum on the Uyghur issue, was the decision of the European Parliament to award the 2019 to Uyghur professor and economist Ilham Tohti, who is currently facing life imprisonment for trying to foster peaceful interethnic dialogue between Uyghurs and Han Chinese and



raising Uyghur human rights concerns. The Sakharov Prize is the top human rights award from the European Parliament and the decision to honor Ilham Tohti with the award signalled a strong show of support and recognition from the European Parliament to the Uyghur cause.

### **Olsi Jazexhi**

Olsi Jazexhi then took the floor to discuss his personal experiences in actually visiting an internment camp in East Turkistan, as part of one of the CCP's propaganda tours. Mr. Jazexhi, a journalist from Albania, is one of the few journalists invited on the propaganda tours to not recite the CCP's narrative on the camps exactly. His experiences not only provide us with important information about the camps themselves, but also about the Chinese government's attempts to hide their atrocities.

Mr. Jazexhi recalled that he initially had been skeptical of reports that millions of Uyghurs were being detained in internment camps against their will and wanted to see for himself what the truth of the situation was. After publicly voicing his skepticism, he was invited by the Chinese government to participate in a tour of a camp with a contingent of other journalists, mostly from Muslim-majority countries.

Journalists brought on these staged tours are told by their Chinese handlers that the camps were a vocational training centre to provide education and professional skills to Uyghurs and to stem extremist tendencies. Much to the annoyance of his handlers, Mr. Jazexhi spoke and interviewed many of the detainees, asking them questions about if they were able to freely practice their religion, to pray and to enjoy related rights and freedoms. He noted that detainees were afraid to give honest

answers and that many gave the same answers as if recited from memory.

His conversations with detainees and experience of the staged tour began to make him suspicious of the true purpose of the camps and the intentions of the Chinese government. As he probed further, he was able to ascertain that detainees were not able to freely practice their religion, were being held against their will and were being subjected to indoctrination. Despite the fact that it became increasingly obvious that the Chinese government was lying, his fellow journalists were happy to accept the CCP's narrative and refused to delve deeper.

Mr. Jazexhi informed attendees of the conference that in this trip, he observed an intentional strategy from the Chinese government to eradicate Islam and the Uyghur ethnic identity in the camps. He no longer believed that the camps were vocational training centres and the Chinese government claimed. After returning from the trip, Mr. Jazexhi has been active in publishing and sharing the truth about what he observed in the internment camps. He has since come under increasing pressure from the Chinese government.

His testimony provides further evidence on the nature and purpose of the internment camps. It also demonstrates the willingness of certain governments and journalists to look the other way on the crisis in East Turkistan, despite the abundance of evidence facing them

### **Sophie Richardson**

Sophie Richardson, the head of the China desk for Human Rights Watch, then presented the research and findings of the organisation on the Chinese government's use of

dystopian security and surveillance technology to monitor and control the Uyghur people.

In a series of reports, Human Rights Watch has produced ground-breaking research on the methods and strategy of the Chinese government in this regard. In the absence of oversight, accountability or respect for basic rights and due to the disregard for Uyghur lives, the Chinese government has tested and implemented a sophisticated monitoring and surveillance system in East Turkistan that is now being exported around the world.

**“The consequences of these [surveillance] technologies are clear and devastating.”**

This system relies heavily on the use of innovative artificial technology and big data to monitor, catalogue and analyze information about the lives of Uyghur individuals. It revolves around the use of the Integrated Joint Operations Platform (IJOP) to create an ecosystem of social control and monitoring. It collects, aggregates and analyzed a vast amount of information about Uyghur individuals and uses artificial intelligence to determine who might be a ‘threat’. Information is fed into the IJOP from a variety of sources, including CCTV cameras, wifi sniffers and through an application used by Chinese police at the numerous checkpoints and roadblocks across East Turkistan. Through this the Chinese government tracks where Uyghurs have been, their electricity usage, license plates, where they have been, banking, legal records, religious observance, biometric data and almost every aspect of Uyghur daily life. It uses this to make a comprehensive profile of each individual to make predictions about their tendencies and behaviours.

The mobile application allows law enforcement officials to access and collect IJOP data, to add information to database, and it to send out orders to police and other state agencies to follow up on individual cases within the same day. Also, with the help of the IJOP app, government officials collect individuals’ data during home visits, on the streets, in “political education camps”, during registration for travel abroad. According to Human Rights Watch’s report these platforms use artificial intelligence to designate Uyghur individuals into these categories, perpetuating racial bias and prejudice built in to the system.

Ms. Richardson made clear that this technology not only constituted a clear violation of the most basic rights of the Uyghur people and severely constrained their freedom, but also presented a clear danger to human rights around the world. This dystopian surveillance technology, after being tested and implemented to monitor and control the Uyghur people, is now being exported to other regions in China and to other countries around the world.

### **Andrea Ngombet**

Andrea Ngombet, a prominent anti-kleptocracy advocate from Congo and head of the Soussafit Collective also offered words of support to the Uyghur people and called on the international community to take further action.

He remarked on the horrific situation in East Turkistan, which is threatening the very existence of the Uyghur people. He noted the CCP’s attempts to eradicate Uyghur religion, culture, history and ethnic identity and denounced China’s totalitarian actions. Even by China’s own account, he asserted that the motive to fight terrorism cannot justify the

incarceration and brainwashing of millions of individuals because of their religion and culture. He labelled China's actions against the Uyghur people as a crime against humanity.

To conclude, he denounced the decision of the Congolese government to sign a letter in the UN supporting China's policies in the region. He noted the silence of non-Western democracies on the issue and called on them to find their voice, saying:

**“China is severely undermining the international system [...] We need to fight back, led by an alliance of non-western democracies.”**

### **Enver Tohti**

Enver Tohti, a former surgeon and activist introduced the topic of organ harvesting (organ pillaging) and summarized the history and current status of the use organ harvesting in East Turkistan.

Allegations of organ harvesting of Uyghur prisoners and detainees have been present for decades, but the recent crisis in East Turkistan has caused considerable concern for its expanded use. The complete lack of transparency, accountability or oversight in the camps and prisons in East Turkistan present the perfect conditions for organ harvesting to be perpetrated on a large scale, against a vulnerable population, with impunity.

Mr. Tohti has firsthand experience with organ harvesting in China. He had worked as a surgeon in China before eventually fleeing the country and was forced to remove extract the organs from a prisoner. He stated that organ harvesting in East Turkistan can be

traced back to the 1990s, when he was a surgeon at the Railway Central Hospital Urumchi, East Turkistan. He said that in the summer of 1995, he was instructed to remove the liver and kidneys of a recently executed Uyghur prisoner, a man in his 30s. However, when he started to make the decision it became clear that the prisoner had not yet died and his heart was still pumping blood. He was told to proceed by his superiors and extract the organs. Mr. Tohti recalled that the procedure took 30-40 minutes and he was instructed to never speak of what happened.

Mr. Tohti then went on to explain that this horrific practice only has increased in recent years, with Uyghurs being targeted in particular. He showed a range of evidence indicating the widespread and systematic use of the practice including photo of special lines at airports in East Turkistan, specifically for people who had flown in for organ transplants and advertisements for ‘halal organs’ extracted from Uyghurs, aimed at Muslims in need of organ transplants. He also noted the mass collection of Uyghur blood samples and DNA by the Chinese government since 2016 also indicates mass organ harvesting may be occurring.



## Panel 2: Organ Harvesting in East Turkistan: Summary of Evidence

The second panel of this conference was held at second location, at the Universite Libre de Bruxelles (ULB). Addressing the atrocity of organ harvesting has faced numerous challenges due to the complete lack of transparency and limited information about the practice in East Turkistan and the rest of China. Much like its policies regarding the internment camps, the Chinese government takes active measures to hide the scale and nature of these atrocities to prevent any efforts towards justice and accountability. Recognizing that credible evidence and information about organ harvesting has inhibited policy makers from taking more

groundbreaking research and investigations to find the truth about organ harvesting in East Turkistan and the rest of China. In order to lay out the concrete evidence of organ harvesting and associated abuses in China, this panel assembled a number of key experts working on this topic to present their findings and credible evidence about the scale and nature of organ harvesting in China and the culpability of the Chinese government.

### **Panelists included:**

**Hamid Sabi** (lawyer and Counsel to the China Tribunal on organ harvesting)

**Enver Tohti** (former surgeon and activist against organ harvesting)

**David Kilgour** (former Canadian cabinet minister, Member of Parliament, prosecutor, lawyer, author, columnist and human rights advocate)



**Maya Mitalipova** (Director, Human Stem Cell Laboratory, Whitehead Institute for Biomedical Research, Massachusetts Institute of Technology)

### **Hamid Sabi**

Mr. Hamid Sabi, as the Counsel to the Independent Tribunal into Forced Organ Harvesting in China (the China Tribunal), introduced the work and findings of the China Tribunal to start of the panel.

The China Tribunal was a remarkable achievement in quest to establish truth and examine evidence in a neutral, legal context on the question of forced organ harvesting in China. It was organized by the End Transplant Abuse Coalition and was chaired by the prominent lawyer Ser Geoffrey Nice who has been a deputy prosecutor at the trial of Slobodan Milošević in the International Criminal Tribunal for the Former Yugoslavia (ICTY), along with six other members.

It has come to form the most comprehensive collection of evidence and testimonies on the use of forced organ harvesting in China, with a specific focus on its use against Falun Gong and Uyghur detainees. Its central goal was to consider if international crimes had been perpetrated in this context, including genocide and crimes against humanity.

The China Tribunal first convened on December 8, 2018 and again in April 2019 to further explore the issue. The Tribunal consisted of days of hearing the testimony of witnesses from around the world and analysis from experts from various fields. On July 17, 2019 the China Tribunal published its initial summary of its final judgement, which was reported on by major news outlets from around the world.

With regards to the crime of genocide, the China Tribunal recognized that Falun Gong and Uyghurs were particularly targeted

groups. However, the Tribunal was unable to definitively establish a specific intent to destroy the groups in whole or in part, which is a necessary condition for violation Article 2 of the UN Genocide Convention.

With regards to Uyghurs specifically, the China Tribunal then looked at two central questions:

1. Is forced organ harvesting being perpetrated against Uyghur detainees and prisoners of conscience?
2. Are crimes against humanity being perpetrated against Uyghurs.

With regards to the second question, the Tribunal found that the Chinese government was indeed committing crimes against humanity. This opinion was expanded upon in March 2020 when the full judgement of the China Tribunal was covered. Although it could not conclude that genocide was being perpetrated against the Uyghur people, it did conclude, beyond a reasonable doubt, that crimes against humanity had occurred. It also was able to determine that torture had occurred in the context of crimes against humanity, with the same certainty.

On the first question, the China Tribunal recognized that compelling evidence of forced organ harvesting against Uyghurs existed, but could not conclude, beyond a reasonable doubt, that it was occurring.

Mr. Sabi noted the utility of the China Tribunal and its judgements for the Uyghur people. Although the findings of the Tribunal are not a definitive legal outcome, it constitutes the first time that such an investigation was carried out and the neutrality, thoroughness and prominence of the Tribunal itself lends considerable credibility to its conclusions.

There are a number of possible actions to be taken based on the conclusions, including:

1. Action at an international level could also be founded on the basis of the Responsibility to Protect.
2. It would also be open for the UN Human Rights Council to consider this matter, again based on a resolution proposed by one or more of its 47 member states, which could be asked to create a “mandate for a Special Rapporteur to investigate these allegations of forced organ harvesting of prisoners of conscience.”
3. The UN Working Group on Arbitrary Detention might also have a role if necessary
4. Domestic action in such matters is possible – by asserting universal jurisdiction powers, established in some national courts by national legislation or by international law, to permit individual plaintiffs to file legal actions against particular individuals or even against a sovereign state for acts or conduct that may constitute genocide, crimes against humanity or torture.
5. An ICJ advisory opinion could be obtained on the issue of organ harvesting.
6. Ultimately it would be up to citizens, activists and motivated politicians to pursue these courses of action.

### **Enver Tohti**

Mr. Tohti began his presentation by focusing on another disturbing element of the Chinese government's treatment of the Uyghur people as test subject: the testing of nuclear weapons in East Turkistan.

From 16 October 1964 – 29 July 1996, the Chinese government tested 48 nuclear devices at Lop Nur, a dried salt lake, in East Turkistan. He asserted that 46 nuclear devices did detonate, 23 in the air and 23 underground. Not only was it irresponsible for the Chinese government to test nuclear weapons in the

region, they did so in the southern part of East Turkistan, far to close to areas inhabited by Uyghurs.

The devastating results of the nuclear testing has been felt by the Uyghur people for decades since. Mr. Tohti participated making a documentary on the topic called ‘Death on the Silk Road, in which he spoke to undercover journalists about the nuclear tests. As a result, he had to flee East Turkistan and seek refuge in the UK in 1999.

Mr. Tohti stated that millions of innocent people have been affected by the nuclear testing and it has resulted and that rates of cancer among Uyghurs were incredibly high due to the effects of the radiation. It is estimated that 1.2 – 1.43 million people were affected during and after testing.

As a surgeon specializing in cancer, Mr. Tohti observed the abnormal rate of cancer patients firsthand. Compared to other regions in China, Uyghurs had a far higher rate of getting cancer. The estimated number of deaths resulting from the testing is 194,000 – 750,000 and a British investigation in 1997 determined that the likelihood of contracting cancer is 30% higher in East Turkistan compared to the rest of China.

Mr. Tohti's presentation made clear that the CCP's strategy of using Uyghurs as guinea pigs or test subjects is not a new phenomenon, but has roots in the nuclear testing that took place from 1964. His presentation is particularly alarming given the fact that the U.S. State department alleged that the Chinese government has [resumed](#) testing nuclear weapons in East Turkistan in 2020.

### **David Kilgour**

Mr. David Kilgour focused his presentation on putting the atrocity of forced organ harvesting in the context of the current crisis in East Turkistan and to give a general

overview of how the use of organ harvesting on Uyghurs was discovered and exposed.

He started his presentation by referring to the plight of camp survivor Mihrigul Tursun, who endured horrible atrocities while detained in an internment before she was able to flee and seek asylum in the United States. Historically and currently, he noted that East Turkistan has served as Beijing's laboratory. The Chinese government had tested an estimated 46 nuclear devices at LopNur in East Turkistan, starting in the mid-1960s, resulting in a huge increase in radiation-caused cancer. He went on to give an overview of the current crisis, which has seen millions of innocent Uyghurs detained in internment camps by the Chinese government, due to their ethnicity and religious beliefs.

Mr. Kilgour informed the participants that organ harvesting had long been practiced on the Uyghur people, preceding that from Falun Gong, which began in 2001. He referenced an article written by organ harvest activist Ethan Gutmann, which quotes eye witness accounts from Uyghur medical professional and others outside China describing how in 1991 near Guangzhou, the vital organs of executed prisoners were removed for transplant purposes. Enver Tohti, a previous panelist, also recounted how, in 1995 when he was a general surgeon in a hospital in Urumqi, he went to an execution ground to remove the kidneys and liver from a wounded, but still alive, man. Another witness, Bahtiyar Shemshidin, an ethnic Uyghur who was a policeman in East Turkistan, testified that in 1998, he was sent to obtain blood samples from mostly Uyghur prisoners after five Chinese officials with organ problems checked into a hospital in Urumqi. He later learned that once a matching blood type was found and tissue matched, the prisoner was shot in the chest and the officials checked out of the hospital soon after they obtained the transplanted organs.

He continued, referencing Ethan Gutmann's book 'The Slaughter', published in 2014, where he estimates that the organs of 65,000 Falun Gong and two to four thousands Uyghurs, Tibetans and Christians were harvested from 2000-2008. He continues, stating that as of 2017, every Uyghur man, woman and child in Xinjiang- about 15 million people – had been blood and DNA tested, which is compatible with tissue matching for organ transplant purposes.

In 2018, nine crematoria were opened in Urumqi, a suspiciously high number, and that three fast-track lanes were opened for visitors receiving organ transplants at regional airports. During the proceedings of the China Tribunal, Uyghur witnesses described physical examinations similar to that which Falun Gong victims of organ harvesting experienced.

To conclude, Mr. Kilgour recommended the international community take a series of concrete actions to stop forced organ harvesting against Uyghurs:

1. Responsible governments worldwide should boycott anyone doing business in the region.
2. Global consumers can also hold companies accountable by demanding an end to all business partnerships in Xinjiang and boycotting their products.

### **Maya Mitalipova**

The last speaker on the second panel of the conference was Maya Mitalipova, a scientist, researcher and director Director of the Human Stem Cell Laboratory at the Whitehead Institute for Biomedical Research in the Massachusetts Institute of Technology. Her presentation focused on a key aspect of allegations of forced organ harvesting against

Uyghurs in particular, the link between DNA sequencing and organ transplantation.

Starting around 2016, the Chinese government began to forcibly collect blood and DNA samples from Uyghurs, Kazakhs and other predominantly Muslim groups in East Turkistan. This was initially conducted through the Chinese government's 'Physicals for All' program, which supposedly offered free-of-charge medical examinations to the residents. In reality, Uyghurs were pressured or coerced to give blood samples at these mandatory physicals and witnesses have testified Uyghurs were not able to obtain a passport unless they underwent these examinations. Since the introduction of the internment camp system, this mass collection of blood samples has increased as nearly every camp survivor has testified they were forcibly subjected to medical examinations and had their blood drawn.

Ms. Mitalipova notes that Han Chinese resident in East Turkistan were not forced to give blood samples and that these samples were used for DNA sequencing. The targeted and coercive nature of these procedures led many to question the motives of the Chinese government in carry out this policy, leading many observers to speculate that there may be a link between the mass collection of Uyghur DNA and the practice of forced organ harvesting.

Ms. Mitalipova began her presentation by defining what DNA sequencing as is the process of determining the nucleic acid sequence- the order of nucleotides in DNA. She noted that it has many legitimate applications in biomedical research, medical research, forensic and in anthropology.

However, in this case, Ms. Mitalipova asserted that one possible reason for the the DNA collected from ethnic Uyghurs was being used for developing AI technologies. Using DNA phenotyping, it is possible to

analyze genes for traits like skin color, eye color and ancestry to catalogue and sketch the physical and facial features of a particular ethnic group. This may be supported by the fact that a number of Chinese companies have developed AI features in CCTV cameras which can identify a person's ethnicity based on their facial features. However, Ms. Mitalipova asserted that this technology is still in its infancy and is different to create exact models from DNA alone.

So the question remains why the Chinese government sequenced the DNA from tens of million of people. She noted it is a very expensive procedure, with a minimum cost per sample being approximately \$1,000. To sequence the DNA of the entire Uyghur population would cost a minimum of \$10 million, so there would have to be a legitimate reason or return on investment to conduct such an expensive policy. Ms. Mitalipova noted that the selling of organs would generate enough revenue to make this policy viable. The China International Transplantation Network Assistance Center listed the price of organs on its website in 2006, charging \$62,000 for a kidney, \$150,000 – \$170,000 for a lung and \$130,000 – \$160,000 for a heart.

By 2000, new methods of DNA sequencing (called next generation sequencing methods (NGS)) were developed and implemented in commercial DNA sequencers. They were highly scalable, allowing for the entire genome to be sequenced at once. This allowed researchers new insights into health and human origins, starting a 'Personalized Medicine' movement and increased organ transplantation. NGS massively improved the viability and success rate of organ transplants by estimating rejection rates using specific biomarkers and finding the best matching donor, making organ transplantation routine for those suffering from organ failure.



Through DNA sequencing, researchers are able to examine the intricacies of the human genome to identify a best match. While this research was too costly and time consuming to be regularly applied to organ transplantation in the past, new sequencing technology has dramatically reduced these times and efforts. Now scientists have come up with a comprehensive DNA scoring system using many genes to predict long-term success of transplantation. Ms. Mitalipova noted that the collection of DNA on a large scale for a larger number of genes improve this process further. Therefore, she asserts that there is a huge link between DNA sequencing and organ transplantation outcome.

Therefore, she asserts that the state approved DNA sequencing of the entire Muslim population of East Turkistan without informed consent is further evidence that the knowledge obtained from the genomic data analysis would be used to determine if a patient and a potential donor are a better match for the long-term success of transplantation. As evidenced in the findings of the China Tribunal <sup>i</sup>, the Chinese government has a long history conducting forced organ harvesting on prisoners of conscience for a long period of time on many victims. The fact that millions of Uyghurs are being secretly detained in internment camps, with no transparency, oversight or accountability, increases the risk that they may be victims of large-scale forced organ harvesting. The fact that China has the second-highest transplant rate in the world without wait times of only two to three weeks further reinforces this point.

## Panel 3: International Efforts to Combat Organ Harvesting

This third panel of the conference built on the contents of the previous discussions to focus on concrete measures to address and combat organ harvesting in East Turkistan and the rest of China. Panelists presented ongoing efforts and recommendations of further steps to take to end transplant in China. This focused on a variety of approaches including international coalition building and advocacy efforts, legal initiatives and medical approaches.

### Panelists Include:

**Susie Hughes** (Executive Director and Co-Founder of ETAC (the International Coalition to End Transplant Abuse In China))

**Dr. David Matas** (Human Rights Lawyer and Co-Founder of the International Coalition To End Transplant Abuse In China)

**Dr. Sue, Sung-How** (Chief, Department of Cardiovascular Surgery, Pojen General Hospital, Taipei)

**Dr. Yoshihide Ogawa** (Emeritus Professor, Faculty of Medicine, University of the Ryukyus, Japan)

### Susie Hughes

The panel began with a review of ongoing efforts of the International Coalition to End Transplant Abuse in China (ETAC <sup>ii</sup>). Ms. Susie Hughes, co-founded ETAC in 2016 with the goal of connecting people internationally to consolidate efforts to end the forced organ harvesting of prisoners of conscience in China. The coalition has brought together people of diverse identities and backgrounds with the common goal of ending forced organ harvesting and currently has committees in Australia, the UK, the United States, Canada and New

Zealand, as well as initiatives in other regions.

horrific acts are regularly occurring in China.

Ms. Hughes first detailed the past and current initiatives of ETAC:

1. Increasing awareness by organizing for experts to present their findings at public events and academic forums.
2. Conducting academic research and statistical analysis of Chinese transplant research and official organ donation figures to find evidence of forced organ transplants.
3. Organising events and briefings as part of outreach activities.
4. Coordinating rapid responses and engaging in rapid responses when appropriate.
5. Submitting to Government inquiries.
6. Meeting with government representatives.
7. Engaging with NGOs.
8. Distributing flyers, pamphlets and other materials to raise further awareness.

Despite recent successes raising awareness of forced organ harvesting and advocating for national governments and international bodies to consider and take action on the issue, Ms. Hughes emphasized that significant challenge to ending the practice remain:

1. Disinformation – a number of influential voices in the international transplantation sector have tried to disparage their work and research through unsubstantiated attacks.
2. The considerable influence wielded by the Chinese government through its trade and political relationships.
3. The Chinese government's dehumanization and slander of victims of forced organ harvesting. Victims are often accused of harboring a political agenda and are unjustly discredited.
4. The unwillingness of the international community to accept that such

In order to address these considerable barriers, Ms. Hughes and ETAC decided that a legal and definitive analysis of all available evidence was necessary. ETAC contacted Sir Geoffrey Nice QC who recommended that a people's Tribunal be formed on the issue, which he served as the Chair. The Tribunal constituted the most complete compilation and assessment of evidence of forced organ harvesting, bringing together victims, witnesses and a wide range of legal and medical experts.

The comprehensive final conclusions of the Tribunal were published in March 2020, which concluded, beyond a reasonable doubt, that forced organ harvesting had been perpetrated against Falun Gong practitioners in China. Despite considerable evidence being presented regarding the practice of forced organ harvesting being used against Uyghurs in East Turkistan and in the internment camps, the same definitive conclusion could not be reached, the Tribunal did conclude, beyond a reasonable doubt, that crimes against humanity were being perpetrated against Uyghurs. As the Tribunal constitutes the most comprehensive and definitive summary of evidence of forced organ harvesting in China, it is an essential resource and advocacy tool in combatting forced organ harvesting. Ms. Hughes emphasized the importance of this report and noted its publication must be a call to action and used to build momentum to bring an end to forced organ harvesting.

**“Now that the Tribunal judgment has been issued, it has become the core of all international action. All previous reports and investigations are encompassed in the Tribunal's report and findings.”**

Ms. Hughes concluded her presentation with a broad call to action and recommendations for further steps:

- a. Building coalitions and fostering solidarity with relevant NGOs, non-profit organisations and charities to build a broad coalition for future action. ETAC is currently facilitating this through an 'Organisations Unite' initiative.
- b. Build a larger body of evidence of forced organ harvesting of Uyghurs in East Turkistan and use this in advocacy activities.
- c. Challenge current partnerships between medical and technological programs in universities and culpable Chinese entities.
- d. Urge medical associations to take a more active role to condemn forced organ harvesting in China, disassociate themselves from China and adopt policies to ensure they are not complicit.
- e. Partner with legal associations and experts to take appropriate action and lobby governments to pass relevant legislation.
- f. Increase advocacy activities with national governments and international organisations to push them to take concrete action on the issue.
- g. Target the World Health Organisation, especially its 'Task Force on Donation and Transplantation of Human Organs and Tissues' and work with national governments and other relevant partners to urge the WHO to reassess the evidence on organ harvesting and assess China's influence over the organisation.
- h. Question China's decision-making role in the Transplantation Society and the Declaration of Istanbul Custodian Group.

### **Dr. David Matas**

Drawing from his extensive experience as a prominent human rights lawyer and as an activist to stop forced organ harvesting in China, Dr. David Matas presented twenty one different legal initiatives and approaches that could be undertaken to combat organ harvesting in China. It included both international and local level options for concrete action, along with analysis and recommendations for next steps to be taken.

#### ***International Legal Options***

- 1) The International Criminal Court through a referral by the UN Security Council

The International Criminal Court (ICC) has jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. While forced organ harvesting would fall under this list of international crimes, China is not a state party to the ICC, so the Court itself would be unable to prosecute. However, the ICC does have jurisdiction over crimes referred to them by the UN Security Council (UNSC).

The fact that China retains veto power in the UNSC remains an impediment, but in order for it to exercise its veto power a state must first make a proposal. Dr. Matas noted that no state had yet made a proposal, but noted that, at the time of presenting, there were five likely candidates to propose referring forced organ harvesting in China to the ICC due to the fact they have raised human rights violations in East Turkistan previously: the United Kingdom, France, the United States, Germany and Belgium. Dr. Matas also recalled that Germany had raised the issue of organ transplant abuse in the UN, previously.

- 2) The International Court of Justice through a request for an advisory opinion on the

## law of genocide from the United Nations General Assembly

The United Nations Charter provides that the UN General Assembly may request the International Court of Justice to give an advisory opinion on any legal question. Any member state of the United Nations can ask the General Assembly to make such a request.

Dr. Matas noted that the recent findings of the China Tribunal determined that forced organ harvesting of prisoners of conscience constitute an act of genocide. He states that the legal question surrounding this case was, for this sort of crime, whether there the necessary criminal intent for genocide. If a state in the UN GA requested an advisory opinion from the ICJ on this issue, the ICJ would be able to form an opinion on whether forced organ harvesting in China could constitute an act of genocide, and therefore necessitate further action.

- 3) The Genocide Convention through calls on the competent organs of the UN to take action.

China is a party to the Genocide Convention and that Convention provides that any state party may call on the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide.

- 4) The United Nations Committee against Torture established under the Convention against Torture through its concluding observations on the periodic reports from China.

As China is a state part to UN CAT, it is obligated to periodically report to the expert committee established under the Convention. The Convention empowers the expert committee to make concluding observations on those reports. In the committee's two

previous reviews of China in 2008 and 2015, the committee called on China to "immediately conduct or commission an independent investigation" into organ transplant abuse in China. Dr. Matas suggested to submit information and parallel reports on the topic during the committee's next review of China and to urge the committee to give this recommendation a higher priority.

(Note) China is not a signatory to UN CAT's optional protocol, which enables more robust measures and monitoring. It also has failed to submit its state report for its next review by the committee, which was due on 9 December 2019.

- 5) The United Nations Protocol against Trafficking in Persons to the Convention against Transnational Organized Crime through a meeting of states parties

Dr. Matas challenges the position of the UN Office of Drugs and Crimes, the UN bureaucracy responsible for the UN Protocol against Trafficking in Persons to the Convention against Transnational Organized Crime, that organ trafficking and trafficking in persons for the removal of their organs are different, that the killing of prisoners of conscience for their organs is not trafficking in persons for the removal of their organs and that that organ trafficking does not accordingly fall within the Protocol.

Dr. Matas challenges this position on the grounds that prisoners of conscience are forcibly taken by Chinese authorities and taken to detention facilities for brainwashing and indoctrination, but also for forced labour and forced organ harvesting. As states can review the positions of UNODC and meet every five years, he asserts that states parties could and should adopt a resolution indicating the extent to which organ trafficking falls within the ambit of the Protocol.



- 6) The Universal Declaration of Human Rights through United Nations Human Rights Council agenda item 4 - human rights situations that require the Council's attention.

Dr. Matas asserts that UN member states should raise forced organ harvesting during their Item 4 statements at future sessions of the UN Human Rights Council.

- 7) The Universal Declaration of Human Rights through the United Nations Human Rights Council Universal Periodic Review.

During China's next Universal Periodic review, efforts must be made to ensure that more states ask questions and issue recommendations about the use of forced organ harvesting in China.

- 8) Raising Forced Organ Harvesting with the UN Working Group on Arbitrary Detention (WGAD)

The WGAD is part of UN Special Procedures, a group of independent experts who investigate and issue communications on thematic issues. Dr. Matas stated that we must submit complaints to the WGAD regarding the forced organ harvesting of arbitrarily detained prisoners of conscience in China.

- 9) Raising Forced Organ Harvesting with the UN Special Rapporteur on Torture

While the issue of forced organ harvesting in China has been raised by the Special Rapporteur on Torture in the past, Dr. Matas notes that the Chinese government has yet to respond in a satisfactory way. He asserts the Special Rapporteur must follow up and press the Chinese government on this issue.

- 10) Raising Forced Organ Harvesting with the UN Special Rapporteur on Religious Intolerance

Dr. Matas notes that previous Special Rapporteur on Religious Intolerance had raised the issue of forced organ harvesting in 2007 and 2008 and urged the current SR to pick up this issue again.

- 11) The Organization for Economic Cooperation and Development (OECD) Guidelines through presentation of cases to national contact points

The Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises implementation mechanism for the Guidelines is national contact points, established by governments. They handle cases as a non judicial grievance mechanism. This mechanism can be used to hold companies outside of China who are complicit in organ transplant abuse accountable for their involvement.

- 12) The Council of Europe Convention against Trafficking in Human Organs by invoking the implementation mechanisms, once developed

The Council of Europe Convention against Trafficking in Human Organs is addressed specifically to organ transplant abuse. The Convention can be signed by the member States of the Council of Europe, the European Union and the non-member States which enjoy observer status with the Council of Europe. It is also can be signed by any other non-member State of the Council of Europe upon invitation by the Committee of Ministers. The Council of Europe approved the Convention in March 2015. To date, there are nine ratifying states and fifteen signatory states which have not yet ratified the Convention.

The Convention provides that a committee of states parties will determine the procedure for evaluating the implementation of the Convention. That has not happened yet. The Committee of Parties should be developing that follow up mechanism now.

### *Domestic Legal Options*

#### 13) Extra-territorial laws punishing complicity in transplant abuse abroad

State parties to the Council of Europe Convention against Trafficking in Human Organs must have these laws, but any state can. Several states not party to the Convention have these laws.

Some states, for criminal law, have territorial jurisdiction. Other states, for criminal law, have nationality jurisdiction. Those states with territorial criminal jurisdiction need to enact extra-territorial laws to capture complicity of nationals in organ transplant abuse abroad. All states need to enact these laws to capture complicity of permanent residents and visitors in this abuse.

#### 14) Mandatory reporting by health professionals to health administrators of transplant tourism.

Dr. Matas called for relevant authorities to implement mandatory reporting of individuals who partake in transplant tourism, noting it is useful for statistical purposes and is an aid to enforcement of extra-territorial laws. It also can put a damper on transplant tourism if patients know that they will be reported on return.

#### 15) Using Magnitsky Laws to impose targeted penalties on serious human rights violators.

A number of countries currently have Magnitsky legislation, which allows national governments to impose targeted sanctions,

asset freezes, visa bans and other restrictions on individuals responsible for gross human rights violations. Dr. Matas encouraged more countries to adopt these laws and to publicly name and punish those directly responsible for organ transplant abuse.

#### 16) Universal jurisdiction laws on crimes against humanity through prosecution

Many countries have laws which allow for prosecution of those complicit in crimes against humanity abroad. The accused typically has to be found in the territory of the country to give the local courts jurisdiction. The laws also typically do not allow for private prosecution; the state prosecutors have to agree to take up the cases.

Although significant challenges exist, due to the majority of evidence being located in another country, Dr. Matas encouraged private prosecutions to be launched where possible. Where they are not, the NGO sector can promote prosecution, with the a request for prosecution and provision of evidence and state publicly they are doing so.

#### 17) Universal jurisdiction laws on genocide through prosecution

There are also many genocide laws which allow for prosecution of those complicit in genocide abroad. However, mobilizing prosecution for genocide is even more difficult than mobilizing prosecution for crimes against humanity because genocide prosecutions are harder to prove. They raise issues which need not be addressed for prosecutions of crimes against humanity. Raising the spectre of genocide does, in contrast, highlight the gravity of the offence.

#### 18) Universal jurisdiction laws on torture through prosecution

Those states which are parties to the Convention against Torture must enact laws

to allow for prosecution of their nationals guilty of torture abroad. There are 169 states parties to the Torture Convention. The Convention also requires states parties to either extradite or prosecute any torture offender present on its territory. If there is no extradition, there must be prosecution. Many states do not have extradition treaties with China.

Invoking laws implementing the Torture Convention to go after complicity in organ transplant abuse in China with prisoner of conscience victims has the advantage here too of the finding of the China Tribunal that these abuses are torture, without doubt. Torture is easier to prove than crimes against humanity because there are elements of crime in the crimes against humanity which need not be proved for torture. As well, these laws, because of the Torture Convention, are more likely to apply to visitors than crimes against humanity laws.

19) Immigration law through barring entry of those complicit in organ transplant abuse

Many states have laws barring entry of those who have committed an act which is a crime in the country of entry. Organ transplant abuse of the sort we see in China would be a crime most everywhere. So these laws in principle would bar entry of those complicit in this abuse.

20) Civil liability laws through lawsuits against the complicit

Civil liability laws have the advantage that they can be invoked by individuals. State approval is not necessary. As well, the standard of proof which has to be met to establish civil liability is typically lower than that required to establish criminal liability. The Torture Convention obligates states parties to ensure that any victim of an act of torture can obtain redress and has an enforceable right to compensation.

21) Legislation on bodies exhibits through requirements to produce verifiable documentation on sourcing for exhibits

Bodies exhibits are a cognate abuse in the sense that the plastinated parts in many cases come from the same source as organ transplants, from prisons and police without explanation of sourcing. Because people can see these bodies exhibits, they provide, depending on the bodies exhibit, a visible demonstration of body parts sourced without explanation, something not available for abusive organ transplantation.

Dr. Matas concluded that, while he had divided their legal options into twenty one parts, they should not be taken in isolation, but should be pursued in tandem as part of a holistic strategy to end transplant abuse in China.

**Dr. Sue-Sung How**

Dr. Sue-Sung How, a prominent cardiovascular surgeon based in Taiwan chose to focus his presentation on a certain an important element of forced organ harvesting and transplant abuse in China: the misuse of ECMO (Extra-Corporeal Membrane Oxygenation). ECMO was pioneered as an innovative life-support machine for heart and liver functions, but has since been abused by the Chinese government and organ pillagers to keep organs alive and viable in the human body until a suitable recipient is found.

This is linked to the practice of procuring organs from NHBD (Non-Heart Beating Donors). In this method, organ harvesting occurs immediately after the donor's heart beat stops (from 75 seconds to 10 minutes). It has not been with regularity in recent history, as organs recovered from brain dead beating heart patients were preferable. NHBD's were not widely used, except in Japan. Dr. Sue

pointed out that in his country of Taiwan, no law has yet authorized the use of NHBD and the only guidelines on the use of NHBD were published in 2017.

Dr. Sue then told the audience of a case where 8 surgeons were sent to harvest the organs of prisoners in China in 2005. He stated that 7 prisoners were executed, but only 4 of them had their organs harvested with 8 kidneys sent to the hospital for transplantation. He asked the audience why that did not take all 14 kidneys from the 7 prisoners.

The problem, he stated, was that there was no method to keep kidneys fresh due to the shortage of manpower. The solution to this problem was the use of ECMO, which allows organ extractors to keep vital organs fresh and viable for longer and thus increases the use of organ harvesting.

Dr. Sue then went on to detail the history and origins of the use of ECMO in organ harvesting in Taiwan. He alleged that a doctor in Taiwan had developed illegal NHBD protocols in Taiwan from 1994-2008 and that 26 donors' kidneys had been forcibly harvested during this period. He detailed that Pavilon was injected into patients while they were still alive, which constrained the breathing of donors and resulted in early deaths, in order to facilitate organ extraction. He also alleged doctors would turn off ECG machines during organ extraction surgeries, as patients would sometimes regain a heartbeat, which would violate NHBD procedure to operate on them.

Dr. Sue concluded that the use of ECMO was an important factor in the spread and widespread use of forced organ harvesting in China, Taiwan and elsewhere, as it made organ harvesting more efficient and kept organs viable for longer. In order to fully address the use of organ harvesting against Uyghurs and others in East Turkistan and the rest of China, we must understand the role

that ECMO plays and take active steps to constrain unregulated and unethical methods of organ extraction.

### **Dr. Yoshide Ogawa**

Dr. Ogawa concluded the panel with an case study and analysis of organ transplantation in Japan, to provide insight how transplant abuse in China could be tackled by focusing on the visitors who travel to China for organ transplantation. Through understanding what drives foreign visitors to engage in organ transplant tourism, we can help to stop forced organ harvesting in China by limiting the market and cutting out the demand for harvested organs.

Dr. Ogawa began his presentation by stating that the Organ Transplant Law in Japan was introduced in 1997, legalized organ procurement from 'brain dead' donors. There are now approximately 400-500 liver transplants from living donors and 50-60 from brain-dead donors in Japan annually for end-stage liver failure patients. For kidney transplants, living donor kidney transplants are more popular than deceased transplants. Dr. Ogawa gave a detailed history of organ transplant, especially for kidneys in Japan, tracking the number and means of transplantation.

He noted that Japan often had shortages of organs for transplantation due to Japan's strict transplantation laws and cultural beliefs that resulted in very low rates of organ donation. This resulted in a high mortality rate among patients who were waiting for kidney transplants in particular, resulting in a donor shortage crisis. Many patients waiting for organ transplantation were forced to engage in transplantation tourism in foreign countries. Despite the passing of the transplantation law in 1997, the number of organ transplants from brain-dead donors in Japan remains far lower than in many other countries. Following



revision to the legislation in 2010, the number of organ donations from brain-dead patients increased from 10 cases a year to 60 cases. As a result, there are still many Japanese citizens waiting for organ transplantation and transplantation tourism remains a problem.

To compensate for donor shortage, international organ trade took place between the US and Japan, with 160 kidneys being transferred between 1981-1983. However, this still was not nearly enough to meet the demand and Japanese citizens continue to seek transplantations abroad. He states 103 patients underwent cardiac transplants abroad from 1984 to 2005, many in the US, Germany and the UK. He also said 118 children underwent cardiac transplants abroad between 1988 to 2016, costing \$300,000 per child in the US. There were 14 recorded liver transplants from Japanese citizens in China from 1984 – 2005 and 106 kidney transplants from 1984-2005.

Given the fact that many Japanese citizens have been forced to engage in transplant tourism abroad, Dr. Ogawa asserted that we must address the demand side of organ trafficking and transplant tourism. His proposed solution is to use therapeutic kidneys, taken from cancer sufferers, which can be easily restored, transferred and transplanted, instead of using donor kidneys from prisoners of conscience. He proposed using living liver transplants and therapeutic kidney transplants to help meet the demand, as well as abolishing the 5% rule in the US, which states that only 5% of available organs can be given to foreigners for transplantation.

## Panel 4: Security and Surveillance in East Turkistan, an International Security Threat

This section focused on the international dimension and implications of the use and testing of repressive security and surveillance technology on the Uyghur people. Dystopian technology tested on the Uyghur people by Chinese companies and the Chinese government is now being sold and exported to governments around the world, threatening international security and human rights globally. This section aimed to show what the current situation in East Turkistan is, along with case studies of the impacts it is already having on the rights and freedoms of individuals in other countries.

### **Panelists included:**

- **Hannah Burdorf** (Academic and Researcher at Newcastle University)
- **Bota Jardemalie** (Kazakh lawyer and human rights activist)
- **Omer Kanat** (Executive Chairman of WUC and Director of the Uyghur Human Rights Project) – presenting UHRP's research on security and surveillance
- **Ray Wong** (Hong Kong Democracy Activist)

### **Hannah Burdorf**

Hannah Burdorf opened the session by giving a practical look at the evolution of security and surveillance technology in East Turkistan through her photos and experiences on recent trips to East Turkistan. As an academic and researcher, she had been able to travel to the region numerous times over the past few years and was able to witness and document its rapid transformation.

Showing a series of before and after photos, Ms. Burdorf showed what life and different locations were like in East Turkistan, before and after 2017/2018 when the crackdown on the Uyghur people escalated dramatically and Uyghurs began to be rounded up and detained in internment camps. Some of the most noticeable features was the numerous CCTV surveillance cameras that had sprung up all over the city, especially in places of religious or cultural importance to the Uyghur people. She noted that heavy security measures had been erected in front of mosques and that numerous checkpoints and roadblocks had been set up around cities, where Uyghurs are ethnically profiled and checked by Chinese police. Barbed wire had been installed around several sites and she noticed that the streets had become emptier than in her previous visits.

She also experienced the increase in security and surveillance in East Turkistan first hand in terms of access to certain areas, the willingness of local people to speak with her and presence of Chinese police in monitoring her own activities.

Her testimony provides a stark photo of the changes in East Turkistan and the toll that recent security and surveillance measures is taking on the Uyghur people and Uyghur society. In a matter of a few years, the atmosphere and daily lives of Uyghurs living in East Turkistan had changed entirely. It also showed the power and pervasiveness of this technology and the dangers it poses for a free and fair society.

### **Bota Jardemalie**

Bota Jardemalie is a notable human rights activist from Kazakhstan who currently resides in Belgium after having been forced to flee her homeland. Her presentation focused on the dangers posed by the CCP's testing of repressive technology on the

Uyghur to human rights and freedoms in other countries, through the example of their spread into Kazakhstan.

Due to its proximity to China and the Chinese government's significant influence in the region, Central Asia has become one of the first areas to buy and implement repressive security and surveillance technology from Chinese companies. As one of the first stops along China's Belt and Road Initiative, it appears that the exportation of repressive techniques may follow the road westward.

Ms. Jardemalie asserted that most of this new technology being brought into Kazakhstan was being done through the 'Smart Cities' Initiative. Kazakhstan has been experimenting with developing smart cities with China since 2017.

Hikvision, a company currently under U.S. sanctions that has advertised its ability to use facial recognition technology to pick out Uyghur faces, has been supplying CCTV cameras equipped with facial recognition technology to major urban centres in Kazakhstan, including Almaty and Shymkent. Reports have indicated that 4,000 cameras with facial recognition, mostly from Hikvision, have already been installed in Kazakhstan's capital Nur-Sultan, and the Kazakh government have agreed to spend \$23 million to install similar cameras in Almaty in February 2019.

It is also worth noting that Huawei has been working closely with Kazakhstan's telecommunications companies and seeks to expand its influence in the country by training Kazakhstan's future leaders in technology.

The rapid spread of this repressive technology into Kazakhstan deeply concerned Ms. Jardemalie, especially in the context of human rights in Kazakhstan. She asserted that this new technology imported from China would allow the Kazakh government and

governments around the world to more closely monitor and control their own populations, creating a new form of technologically advanced authoritarianism and repression. The technology is already being used to monitor and track opposition figures and human rights activists in the country and may lead to a further deterioration of rights and freedoms.

This case illustrates that what is happening to the Uyghur people in East Turkistan can and is already spreading. While Kazakhstan is by no means the country importing this dangerous surveillance technology, its case is showing the dangerous potential of this spread and China's growing influence over Central Asia.

### **Ray Wong**

To provide another example of the dangerous application of repressive technology tested on the Uyghur people, Hong Kong activist Ray Wong informed participants that this technology was already being used to suppress and monitor democracy protesters in Hong Kong.

The Chinese government's testing of repressive strategies on certain population is certainly not a new phenomenon. Before the CCP Party Secretary of East Turkistan began implementing his unique style of monitoring and control, he had first tested this model while Party Secretary of Tibet. Chen Quanguo was tasked with quashing dissent in Tibet after protests in 2008. In order to do this, he implemented a 'grid-style' security approach, focusing on a heavy police presence and a blanket of security cameras covering every inch of major cities in Tibet. After successfully stifling and quashing any form of dissent in Tibet, he brought this strategy of control, monitoring and oppression to East Turkistan. The scope and

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sophistication of this system advanced rapidly in East Turkistan and, together with the internment camp system, turned the region into what is essentially an open-air prison, where individuals are constantly monitored and police have a near complete presence in major cities.

What this example articulates is that there is a feedback loop of repression in how China treats ethnic and religious groups. Successful strategies of repression and control are tested on one group or people and then the most successful methods are applied to others. In this way, the CCP was able to refine this security and surveillance regime.

Due to its success in East Turkistan and Tibet, this technology is now being used Hong Kong. While the CCP is not able to implement Chen Quanguo full grid-style security and brutal tactics due to Hong Kong's autonomy and robust free press, technology including facial recognition and the widespread use of security cameras is already in use.

Mr. Wong showed how the Hong Kong police had installed towers with surveillance cameras equipped with facial recognition to try to record and identify the protestors. He also alluded to the ways Hong Kong democracy protestors were tracked across the city and monitored closely in an effort to ensure compliance.

Recognizing the common struggle and interrelatedness of the situations in East Turkistan and Hong Kong, Mr. Wong emphasized the need for solidarity and cooperation between the Uyghurs and people of Hong Kong. This example also further evidences that what is happening to the Uyghurs poses a threat to human rights everywhere. China is selling or installing this repressive technology across China itself, in neighboring countries and around the world.