

Berlin, 23.02.2019

Dear Judges of the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China,

Please note the some half a dozen stories I wrote about human organ transplant while working as a journalist in China (at the New York Times.) My research began without any preconceived idea about the situation. It was prompted by a report that Chinese airlines were not cooperating in getting organs to recipients in time. I followed where the reporting took me – the result was this series of articles.

I would also like to submit the following observation, and four additional points:

Observation: While I personally believe there is an illegal organ trade, I remain unsure of its scale and the sources of organs. I think probably these are not “only” death row prisoners and prisoners of conscience but may also include e.g. missing persons, victims of murder gangs, mental health patients, otherwise healthy victims of accidents whose relatives are paid for the organs, soldiers who desert, and others. As for numbers: I don’t know.

Additional Points:

1. In early April 2016 I attended a Red Cross Society of China event at Beijing Hospital 北京医院, where senior state health officials spoke about organ donation in China and commemorated organ donors. April 5th is Qing Ming, China’s day of the dead. Following the morning event I went to lunch with Dr. Chen Jingyu, a lung transplant surgeon from the Wuxi People’s Hospital whom I had written about previously. Dr. Chen brought along a friend of his from Beijing Hospital, a lung surgeon called Dr. Tong (Dr. Tong said he had previously conducted lung transplants but was not doing so at that time as his hospital had stopped doing the procedure.) Also present were a Chinese journalist from Global Times and a postgraduate student at Tsinghua University who said he was the head of a student organization there, researching medical issues. We were a party of 5. During the lunch Dr. Chen accused me of causing him a lot of trouble with my reporting. Recently organizers at a major heart and lung transplant conference in Washington D.C. had rejected a poster of his after initially accepting it, on the grounds that the research was based on death row prisoners. Dr. Chen did not deny this but said it was my fault for having caused him “trouble” with my articles. I said, I had nothing to do with the poster, and if it was rejected due to involuntary donors such as death-row prisoners then that was his responsibility, not mine. Dr. Chen asked, “But what are we supposed to do?” I replied, “Don’t submit findings gathered from before you said you stopped using involuntary donors” (i.e. Dec. 2014.) He looked at me as if to say, “that’s impossible,” but said nothing further to me on the topic. During this conversation Dr. Tong was listening carefully. He turned to Dr. Chen and the following is a verbatim record of their brief conversation, from

memory, which I wrote down immediately afterwards (the lunch was not a reporting event.)

Dr. Tong: "Prisoners can't be used?" ["死囚不能用吗?"]

Dr. Chen: "No (we) cannot use (them)." ["不能用"。]

Dr. Tong: "What about prisoners of conscience?" ["良心犯吗?"]

Dr. Chen: "Can't use any of them." ["都不能用。"]

Dr Tong looked down at the table and said nothing further. Dr.Chen also fell silent.

I drew three - analytical - conclusions from this conversation:

- The use of prisoners of conscience for organ transplant has taken place (the state has itself admitted the use of death row prisoner organs.)
- It is common knowledge, at least among some medical specialists.
- The Dec. 2014 ban on using death row prisoner organs may not be effective or even real, since even a lung surgeon like Dr. Tong was apparently unaware of the ban. If it was a real ban it might be reasonable to assume he would know, since the state and party through their propaganda and information systems are able to transmit messages of importance very fast.

Point 2: Soon after the publication on Nov. 16, 2015, of a story in which I reported the use of death row prisoner organs was ongoing, a defamation campaign against me was quickly organized by the state. It went like this: the office of Dr. Huang Jiefu contacted me (they had not responded to previous requests for an interview,) and, surprisingly, agreed to allow me to interview Dr. Huang. When I arrived at the interview location there were already two journalists present from Chinese media. During the 2-hour long interview these people barely spoke but observed the interview with Dr. Huang and took notes. The next day many identical reports began to appear in the Chinese media accusing me of erroneous reporting.

Point 3: About a year later, I was required to go the Foreign Ministry for a warning, about an unrelated matter. While there I asked my interlocutor about the organs reporting, how the state viewed it. She replied, "You can do that reporting." I was a little taken aback and asked, "Don't you find it too sensitive?" She responded, "Just be sure you make clear that the leaders are going to deal with this" (within the context of our conversation I took this to mean Xi Jinping.) I asked her about the military hospital system and organ transplant practices there and she froze, saying only, "I know nothing about that."

Point 4: Finally, I'd like to say that it was my impression the New York Times, my employer at the time, was not pleased that I was pursuing these stories, and after initially tolerating my efforts made it impossible for me to continue. The newspaper made a hash of the edit of my story of Nov. 16th 2015, substantially changing its sense through an unfortunate cut at the end, and a senior colleague in Beijing attempted to pin the blame on me. The subsequent correction, which was not delayed due to needing to check anything (as it says) but simply due to inattention

or overwork on the part of editors, shows that there were two editing errors only, not reporting errors. More broadly, I conducted several conversations in person or by email with senior editors but essentially my requests to continue this line of investigation – for which I'd need time – were ignored. Editors appeared to believe the organ donation issue in China had been solved by the state's admission that they had used prisoner organs and its promise of Dec. 14 they no longer were doing so. I was told there was "nothing new" to the story. Another editor commented, when I tried to broaden the investigation from death row prisoners to prisoners of conscience, based on my conversation with Dr. Chen and Dr. Tong described above, that people who believed that prisoner of conscience organs were being used were on "the outer fringes of advocacy" – that is, not rational. The usual arguments were presented, for example that Falungong are irrational and unreliable, and so on. It was clear to me the issue was unwelcome. I cannot be sure, but I suspect that this series of articles contributed to a decision by headquarters in February 2017 not to promote me, against the advice of regional editors. I left the paper in June 2017.

I hereby declare this all to be true and exactly as happened, according to the best of my memory and based on notes taken at the time.

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