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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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• (1300)

[English]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): I call the meeting to order. We have enough people here for quorum, so I suggest we begin.

[Translation]

This is the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today, February 5, 2013, we are holding our 66th hearing. Our meeting is being televised.

We welcome two very distinguished witnesses: Mr. David Matas and the Honourable David Kilgour.

[English]

Both have appeared many times as witnesses before parliamentary committees. Both are respected experts on human rights, and Mr. Kilgour, of course, was a long-time parliamentarian. They are dealing today with the issue of organ transplants in China, a subject on which both of them have written extensively.

I'll mention for those who have an interest in looking this up that they have co-authored two books. The first is *Bloody Harvest: The killing of Falun Gong for their organs*. That was co-written by them. Also, David Matas and Dr. Torsten Trey co-edited a later book, published last year, called *State Organs: Transplant Abuse in China*.

I think I've mentioned that we're televised, so everybody should behave accordingly on this committee. I did have conveyed to me through a clerk a request from Mr. Kilgour, who knows about the time restraints we have in this committee. He asked that his entire statement be deemed appended. He'll actually read in only part of it in order to conform with our timelines. I thought I would just throw that out to you. Does that seem reasonable to folks?

Some hon. members: Agreed.

The Chair: Okay. That has been agreed to.

[See appendix]

The Chair: May I invite our two witnesses to begin?

As I mentioned you first, Mr. Kilgour, why don't we begin with you?

[Translation]

Hon. David Kilgour (As an Individual): Thank you, Mr. Chair.

With your permission, colleagues, I am going to make my presentation in English. However, I will be pleased to reply to your questions in French.

[English]

I will skip one sentence per paragraph. If anyone has the statement, it may be hard to keep up, but I know that time is very precious because you want to ask questions.

Thank you for holding this hearing. I am very pleased that you're doing this.

China's 5,000-year-old civilization has given much to the world and is deserving of much respect. When Falun Gong exercises and principles initially were introduced to the Chinese public in 1992, as I'm sure you all know, the party-state not only acquiesced in its expansion but assisted, inviting its founder to teach in government facilities and praising Falun Gong for the benefits it introduced to public health and ethics generally.

However, the more the movement grew, the more resistance it encountered, no doubt because some party members found that a large, independent group was unacceptable. Party leader Jiang Zemin made an overnight decision to eradicate it, even though many members of the politburo were familiar with the practice and many party members were doing the exercises.

On July 22, 1999, the Communist Party leadership launched a protracted and violent campaign whose stated purpose was to—quote—“eradicate” Falun Gong. Beatings, detentions in forced labour camps, brainwashing, and torture became the daily lot of many Falun Gong. The methods included shocking with high-voltage electric batons, sleep deprivation, starvation, sexual assault, forced abortions, drug injections, and forced feedings.

I should stress from the start that Falun Gong practitioners had no desire to become involved in politics and never intended to challenge the Communist Party. Even after nearly 14 years of persecution, their only political objective is to seek peacefully the end to their persecution across China.

As you probably all know, after 1980 the party-state began withdrawing funds from the health system, obliging it to make up the difference through service charges to mostly uninsured patients. Selling the organs of executed convicts became a major source of funds because of world demand. Falun Gong later became the major additional source of organs. Organ prices were posted on many websites in China.

David Matas and I visited about a dozen countries to interview Falun Gong practitioners who were sent to China's forced labour camps and who managed later to leave the camps and China itself. Most were sent to camps after mid-1999 without any form of hearing and on only a police signature. This model, by the way, was created in Stalin's Russia and Hitler's Third Reich and copied in the 1950s by Mao.

Practitioners told us of working in appalling conditions for up to 16 hours daily, with no pay, little food, crowded sleeping conditions, and torture. As subcontractors to multinational companies, they made export products ranging from garments to Christmas decorations. This, of course, is gross corporate irresponsibility and a violation of the WTO rules, and calls for an effective response by all governments that trade with China.

I might mention that there's a link between the labour done in these forced labour camps and the loss of manufacturing jobs in places such as Canada. One estimate of the number of people in these camps was 350,000 in 340 forced labour camps. That's a lot of jobs that are being lost in places such as our own country. I believe strongly that Canada and other countries should ban forced labour products, by legislation, which puts an onus on importers to prove that their goods are not made in effect by slaves.

According to the research that David Matas and I have done, as is set out in our book *Bloody Harvest*, which you referred to, Mr. Chairman, practitioners have been killed in the thousands since 2001 so that their organs could be trafficked to Chinese and foreign patients. For the period 2000-2005 alone, Matas and I concluded that for 41,500 transplants done, the only plausible explanation for sourcing was Falun Gong.

● (1305)

As a result, what has happened internationally? What kinds of international initiatives have been taken?

Since 2006, several UN special rapporteurs have asked the Chinese government for an explanation of the allegation of organ pillaging from live Falun Gong practitioners. They pointed out to the government that a full explanation would disprove the allegations, but the party-state has provided no meaningful answer, simply denying the charges.

The independent experts of the UN Committee Against Torture have also addressed the issue of organ harvesting from Falun Gong practitioners. In November 2008, it was stated that:

information [was] received that Falun Gong practitioners have been extensively subjected to torture and ill-treatment in prisons and that some of them have been used for organ transplants.

What about the European Parliament? In September of 2006, the European Parliament conducted a hearing, at which David Matas and I both testified, and adopted a resolution condemning the detention and torture of Falun Gong practitioners and expressing concern over reports of organ harvesting.

In Taiwan in 2007, the director of the Department of Health reported requesting that Taiwanese doctors not recommend to patients to travel to China for transplants.

In Australia—as you can see in the brief, they are on the list of countries—two hospitals have banned joint research programs with China.

What about Canada? In 2008, former MP Borys Wrzesnewskij introduced into our House of Commons extraterritorial legislation banning transplant tourism. His bill, and one in Belgium, would have penalized any transplant patient who received an organ without the consent of the donor when the patient knew or ought to have known of the absence of consent.

● (1310)

[Translation]

In France, in 2010, parliamentarian Valérie Boyer, along with several other members, introduced a bill at a sitting of the National Assembly.

[English]

In the United States, in September of 2006 the U.S. Congress held a hearing on organ harvesting from Falun Gong practitioners. Perhaps more importantly, in October 2012, in the middle of an election campaign, 106 members of Congress urged the U.S. State Department to release information on organ pillaging in China from Falun Gong practitioners.

This is interesting. The U.S. State Department, in its 2011 human rights report released in May 2012, acknowledged the following:

Overseas and domestic media and advocacy groups continued to report instances of organ harvesting, particularly from Falun Gong practitioners and Uighurs.

That's the first time they actually acknowledged it. David Matas and I went to the State Department as early as 2006, but they finally acknowledged these concerns in 2012.

With respect to NGOs, there are a whole lot of comments in the brief about various NGOs that have done work in this area. I might mention Doctors Against Forced Organ Harvesting, which is a non-government organization founded by medical doctors. Torsten Trey, the co-editor of the book, was the founder, and they've been very active in this issue.

How much time do I have, Mr. Chair?

The Chair: You still have two minutes, so we'll be more generous with you than we will with members of the committee and their questions.

Hon. David Kilgour: Thank you, Mr. Chair. You're a much better chair than they used to have in this committee—

Voices: Oh, oh!

Hon. David Kilgour: —a long time ago.

Edward McMillan-Scott, vice-president of the European Parliament, is mentioned in the brief. You can look at that. Two minutes is going to go pretty quickly.

Now, as for China, the Government of China now accepts that the sourcing of organs from prisoners is improper. Deputy Health Minister Huang stated in 2009 that executed prisoners are “definitely not a proper source for organ transplants”.

There is quite a lot more in the brief about China, but please give me one minute.

I'll go to corporate social responsibility. I hope there are some helpful comments there.

With respect to recommendations, for organs trafficked in China, Matas and I would encourage you as MPs to consider our recommendations that urge the party-state in China to cease the persecution and repression of Falun Gong, to cease organ pillaging from all prisoners, and to remove its military from the organ transplant business. There are a couple of other recommendations.

In conclusion, we would hope that the Senate and the House would also enact measures to combat international organ transplant abuses.

Many of us in and beyond China might now have a greater impact on the future of this grave matter, not only because it's necessary for tens of millions of Chinese Falun Gong practitioners and their families who have been torn apart by this terrible process but also because it's good for China and the international community as a whole. All of us want a China that enjoys the rule of law, dignity for all, and democratic governance.

[*Translation*]

Thank you very much.

[*English*]

The Chair: Thank you, Mr. Kilgour.

Before we go to Mr. Matas, I am going to ask you a very brief question about Mr. Wrzesnewskyj's private member's bill. First of all, has someone else picked up that PMB, and if not, are there others on a similar topic, either in the Senate or the House of Commons?

Hon. David Kilgour: Well, unfortunately, to my knowledge, no, but you'll notice here, Mr. Chairman, that two Belgian senators introduced similar legislation. I'm sure that Mr. Wrzesnewskyj's bill could be found in about 30 seconds by one of your researchers. I would urge all of you to consider it as a measure that would be helpful.

The Chair: Thank you.

Go ahead, Mr. Matas, please.

Mr. David Matas (Lawyer, International Human Rights, As an Individual): In further answer to that question, there's also private member's legislation in France by Valérie Boyer, as there is now in New South Wales, Australia, by David Shoebridge. Also, Patrik Vankrunkelsven was one of the senators in Belgium, so we have a number of precedents to look at.

In terms of my remarks, I just want to go as briefly as I can through some of the evidence that led us to our conclusion. I have a number of evidentiary strands I want to point out to you, 12 strands in all.

The first is that the Communist Party conducted and conducts a prolonged, persistent, and vitriolic campaign of incitement to hatred against Falun Gong, prompting their marginalization, depersonalization, and dehumanization in the eyes of many Chinese nationals.

The second is the forced labour camp phenomenon, which my colleague David Kilgour talked about. Not only are these forced labour camps arbitrary detention and slave labour camps, but they're also vast live organ donor banks.

Third, many Falun Gong practitioners are the subject of disappearance complaints by family members. The authorities often refuse to notify the families of their detention. As well, practitioners are not allowed to contact their families. Many more practitioners, in an attempt to protect their families and communities, have not identified themselves once arrested. Those unidentified are a particularly vulnerable population.

Let me quote Ms. Na Gan, who lives in Toronto now:

From 2001 to 2002, I was held in a detention center.... During that time, the authorities detained lots of Falun Gong practitioners who went to Beijing to appeal. ... In order to escape further persecution, of both themselves and their family members, many practitioners did not tell their real names and where they were from. Each practitioner was identified with a 4-digit number. ... One night, I was awoken by some noises. All the Falun Gong practitioners who were numbered were being dragged out of the prison cells, and none of them came back.

Fourth, huge money can be made in China from transplants. Charges to foreigners, which were once available on a Chinese website and which now we have archived, range from \$30,000 U.S. for corneas to \$180,000 U.S. for a liver-kidney combination.

Fifth, investigators made calls to hospitals throughout China claiming to be relatives of patients needing transplants and asking if the hospitals had organs of Falun Gong for sale, on the basis that since Falun Gong, through their exercises, are healthy, the organs would be healthy. We obtained on tape and then transcribed and translated admissions throughout China.

Sixth, Falun Gong practitioners who were detained and later got out of detention and out of China testified that they were systematically blood-tested and organ-examined while in detention. The blood testing and organ examination could not have been for the health of the Falun Gong, since they had been tortured, but it would have been necessary for organ transplants and for building a bank of donors.

Seventh, waiting times for transplant of organs in China are days and weeks. Everywhere else in the world, waiting times are years or months. Transplants of long-dead donors are not viable because of organ deterioration after death. A short waiting time for deceased donor transplant means the presence of a large bank of living organ sources ready to be killed in order to assure such short waiting times. We have quotes from the websites of Chinese hospitals advertising these short times.

Eighth, in a few cases, family members of Falun Gong practitioners were able to see mutilated corpses of their loved ones between death and cremation. Organs had been removed. We even have some photos of that.

Ninth, we engaged in extensive interviews of organ recipients and their family members. Organ transplant surgery, we found out, is conducted in almost total secrecy. Recipients and their support network are not told the identity of the donors, nor are they shown written consent of donors. The identities of the operating doctor and support staff are often not disclosed, despite requests for information.

One interviewee told us that a military doctor tested the compatibility of seven prior kidneys before a successful match for one was found at a hospital. The doctor carried sheets of paper containing lists of prospective sources based on tissue and blood characteristics, from which he would select the source. The doctor was observed at various times to leave the hospital in army uniform and return two or three hours later with containers holding kidneys.

Tenth, we interviewed the ex-wife of a surgeon from Sujiatun district in Shenyang City in Liaoning. She told us that her surgeon husband told her that he removed corneas from 2,000 Falun Gong practitioners, at which time he refused to continue. The surgeon made it clear to his wife that none of these sources survived the experience because other surgeons removed other vital organs and all of the bodies were then burned.

• (1315)

A transcript of the interview can be found in an appendix to our report.

The details of the story the wife told were similar to what Dr. Wang Guoqi told the U.S. Congress about his own work in harvesting organs from prisoners, which was initially vehemently denied and then years later admitted by the Government of China. The only substantial difference in the two stories was the type of prisoners from whom organs were extracted.

Eleventh, 200 kilometres away from Sujiatun, in Xinju, an individual named Wang Lijun conducted research on a lingering injection execution method that would allow organ removal for transplants before the person died from injection. He conducted further research to prevent patients who received organs of injected prisoners from suffering adverse effects from the injection drugs.

In September 2006 this individual, Wang Lijun, received an award for his research and testing. In his acceptance speech, which was posted on the Internet, he talked about “thousands” of on-site organ transplant cases from injected prisoners in which he and his staff participated, and he said, and I quote, “To see somebody being killed and to see this person’s organs being translated to several other persons’ bodies is profoundly stirring”, a remark that would have been worthy of Josef Mengele.

I point out that Wang Lijun was the prime assistant of Bo Xilai.

One of the calls the investigators made, which we used for our report, was a call that was placed to Jinzhou, the place where this fellow Wang Lijun was working. Here’s a quote from that exchange:

Investigator: Starting from 2001, we always got kidneys from young and healthy people who practised Falun Gong from detention centres and courts. ... I wonder if you still have such organs in your court right now?

Official: That depends on your qualifications. ... If you have good qualifications, we may still provide some. ...

Investigator: Are we supposed to get them, or will you prepare for them?

Official: According to past experience, it is you who will come here to get them.

In February 2012 Wang Lijun, who was at the time deputy mayor and police chief in Chongqing, visited the American consulate in Chengdu for a full day. My colleague David Kilgour has mentioned this letter of U.S. congressmen and congresswomen asking for the State Department to release information, and that letter asked for details that Wang Lijun is believed to have transmitted during his attempted sanctuary at the U.S. consulate in February.

Number 12, the final point, is that there’s no other explanation for the transplant numbers than sourcing from Falun Gong. China’s the second-largest country in the world after the U.S., yet until 2010 China did not have a deceased donation system, and even today that system produces donations that are statistically insignificant. The living donor sources are limited in law to relatives of donors and are officially discouraged because live donors suffer health complications from giving up an organ.

The number of prisoners sentenced to death and then executed that would be necessary to supply the volume of transplants in China is far greater than even the most exaggerated death penalty statistics and estimates, in the tens of thousands. Moreover, in recent years death penalty volumes have gone down, but transplant volumes, except for a short blip in 2007, have remained constant.

Our report has a myriad of recommendations, and David Kilgour has mentioned some in the text that is part of the record. I would ask the committee to pass a resolution on this subject. I’d like to emphasize the fact that China’s coming up before the universal periodic review at the United Nations Human Rights Council working group this October, and Canada should take advantage of that.

I would like to commend the subcommittee for convening this hearing. The issue is serious enough to justify action.

In principle, the worst victims need to be given the most attention and the highest priority. This subcommittee should follow that principle when addressing human rights violations in China by a continuing focus on organ transplant abuse in China, the victimization of prisoners of conscience, and Falun Gong in particular.

Thank you very much.

• (1320)

The Chair: Thank you.

You have both been very quick, and that gives us more time than we might otherwise have had. I think we’ll be able to get away with seven-minute rounds, including both questions and answers.

Mr. Sweet, we begin with you.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chair.

I’m very grateful for Mr. Matas’ and Mr. Kilgour’s testimony. I have to say that I and my colleagues were charged with being level-headed and intellectually engaged on issues, etc., yet this issue seems to pull at even the most strident person’s emotions, and it is almost unfathomable that this would go on.

I am particularly concerned with the testimony that over 90% of the organs that are used in China for transplant are harvested in this fashion, harvested from Falun Gong who have been executed.

Speaking of the magnitude of this situation, this is a country of almost 1.4 billion people. If it's 90%, I can't imagine the flow that is going to be required and the number of lives we're talking about here.

Yet, Mr. Matas and Mr. Kilgour, the Congressional Research Service stated that your report "relies largely upon the making of logical inferences" and actually criticized it. I wanted to give you the opportunity to defend that publicly, so maybe, Mr. Kilgour, you'd address that criticism.

• (1325)

Hon. David Kilgour: Sure.

That Congressional Research Service paper happened in 2006, I think. In fact, our foreign affairs department put out a statement in the same week that our second report came out, but I think we have gone well beyond that, and I would hope that the foreign affairs department here has more knowledge about the matter now.

The Government of China doesn't even bother now to try to dispute the kind of thing Mr. Matas was saying. It has long ago given up the ghost. If you look on the embassy website, I'm quite sure you'll find a whole lot of propaganda against Falun Gong. It's been up for years, I believe, but no, Mr. Sweet, nobody disputes that this is happening, except people who....

I'm thinking of one individual whose name I won't give. He took a trip to China paid for by the Chinese Medical Association, and he came back and actually said the Chinese Medical Association is an independent organization. China's Minister of Health had been the president of the Chinese Medical Association about a year earlier.

What I'm trying to say—and David Matas will have things to say, too, I'm sure—is that the proof... I was a prosecutor for 10 years. We have 52 kinds of evidence. If you don't like the first 10, go to the second 10. At some point most human beings, I think, will accept that maybe not all of the evidence is admissible in our courts, but the evidence that it's happening is overwhelming.

The fact is that the UN and the U.S. Congress and everybody else is getting in on it now, and I frankly wish you had this hearing six years ago. I think the argument is over; now we have to get them to stop it. Mr. Matas and I have been travelling around to 50 countries or more.

By the way, one thing I should correct is that 90% of the transplants are not coming from Falun Gong; they come from prisoners. Maybe I wasn't clear. There are two kinds of prisoners: the ones who have been convicted in the courts of China, and then the Falun Gong, almost all of whom are not convicted of any offence; they're just sent to a forced labour camp on a police signature *à la* Adolf Hitler and Joseph Stalin.

David will give you a—

Mr. David Sweet: If we have time, I want to get back to that, but because you mentioned that we're far beyond that, we want to make sure we have that evidence that we are far beyond it here clearly. Is it

correct that this Health Vice-Minister Huang Jiefu is still in his position in the People's Republic of China? Was he the first one to officially say that?

Hon. David Kilgour: Yes.

Mr. David Sweet: He's actually championing an initiative to have a legitimate system for organ donation.

Hon. David Kilgour: I didn't read that part of the statement, but as I said, by the time that happens five years from now, how many tens of thousands of Falun Gong will have died?

Mr. David Sweet: Exactly.

Hon. David Kilgour: The thing that's very hard for people to understand is that to have a suitable donor sitting alive in a work camp waiting to give you a new liver, say—if you don't mind my using "you"—with all the blood types and tissue types, you have to have a large number of people waiting.

As David Matas said, Major Tan—I think it was Major Tan—went down his lists of people. I don't know whether David said this or not. He went back eight times to get a kidney for this patient. Eight people died so that this one man, whom we both met when we were in the country and I won't name, is doing fine, but eight people are dead so that he could have a—

Mr. David Sweet: —so that they could get a match.

Hon. David Kilgour: —match.

Mr. David Sweet: Go ahead, Mr. Matas.

Mr. David Matas: In terms of that congressional record, there are a few things I would say.

One is that you have a situation whereby, given the very nature of the facts, the victim is dead and the body is cremated. Nobody is going to come up and say, "I was organ-harvested." We're dealing with something that happened in an operating room, which is cleaned up afterwards so you can't visit the crime scene. The documentary records are all Chinese documents, and they're not accessible. The hospital where the operation takes place is completely closed. There are no witnesses, just perpetrators and victims. Sometimes the patients have tried to get their family doctor in, but that's been refused. Of course, that's the situation we start with from the get-go.

I would also say that it's not up to us to prove this happened, although I do believe we have done so; it's up to China to account for the source of its organs. The World Health Organization, of which China is a member, has as one of its principles transparency. It has traceability as another principle. China does not respect those principles. They will not release statistics on the death penalty, which they say is the source of all the organs. This point was raised at the universal periodic review three years ago. Canada asked China in the universal periodic review to release death penalty statistics; China said no. They wouldn't do it.

In fact, what we've seen as we've produced evidence quoting from Chinese websites is that they have removed the evidence from their own websites, although we've archived everything. They're engaged in a continuing and increasing cover-up rather than in increasing transparency. After all this cover-up, criticizing us for using logical inferences is just not a sustainable argument.

•(1330)

The Chair: Unfortunately, Mr. Sweet, there isn't time for a follow-up question. I am embarrassed to have to inform the committee that I was relying on a clock that's actually not working. We actually have only six minutes per round. I apologize to everybody for that.

Mr. Marston, you're next.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Well, I suggest I should get seven and everybody else get six, but that's okay.

The Chair: Okay.

Mr. Wayne Marston: First of all, gentlemen, you know that I've been on this committee before, in 2006, when I was elected. I want to state right now that I believe your conclusions. I don't mind saying that. I've said it before.

In 2006, when I arrived here—and the folks who said this to me can remain nameless—people from a number of parties said to watch out for the Falun Gong. In my opinion, they were saying that because this horrific set of events is hard for other humans to believe and to accept and to understand. The passion with which the Falun Gong members came to the Hill also made people take a step backwards. I don't think that was as helpful to us as it could have been.

This committee did a study on China that was quite critical of China, and it went the way of some of those reports. We won't get into that in detail. We've had trade agreements with a number of countries for which human rights have been pushed aside and parked inside agreements, which is very concerning to us. There is the new relationship between China and Nexen and the potential for that to open markets and to put more commercial pressure on governments to turn a blind eye to situations like this. I agree with you that with the UPR coming up, it's reasonable for this committee to recommend that this particular issue be raised with the Chinese. That's what this whole idea of a UN periodic review is all about.

I want to follow up a little further than Mr. Sweet went because I think in a way we'll be helping you by mentioning such things to you as the criticism that came out of your 2006 report. I will name a name or two that you might not have chosen to name.

Henry Wu was a human—

Mr. David Kilgour: It's Harry Wu.

Mr. Wayne Marston: Oh—Harry. My notes are written wrong.

Glen McGregor, a reporter, was another one who was fairly.... Then, of course, there were the congressional folks you were talking about.

The numbers were criticized. His methodology was criticized. They claim—and I stress, they claim—that there was a lack of evidence. We hear from you over and over that there's a stack of evidence that you've worked from, and I'm wondering, as I'm watching you here today, if my question is almost a little bit redundant, because part of my question was whether you are still satisfied with the conclusions that you reached in your report.

Are you satisfied that they've held up over time? You have not seen flaws yourself? Is there anything you would have changed in that report at all, and where do we go from here?

Hon. David Kilgour: Thank you very much, Mr. Marston. You have been very supportive on this issue, and I'd like to congratulate you for that from the beginning.

You mentioned Harry Wu. I actually met Harry Wu in Washington in 2006 and I tried very hard to get him to come and meet a woman called Annie, who had this press conference. Annie said, "I won't meet with Mr. Wu, because Mr. Wu's called me a liar." It was a long argument, but they wouldn't meet, and it's most unfortunate.

It's been in the *Ottawa Citizen* that Glen McGregor went to China as a guest of the Chinese Medical Association. Then he came back and said our report.... Do you remember the term he used? He said we need a very high bar.

How high is the ceiling? I don't think any bar would satisfy him.

•(1335)

Mr. Wayne Marston: How high is the stack of bodies?

Hon. David Kilgour: Excellent, yes. Exactly.

Honestly, people have even stopped challenging us on these issues anymore as we go around the world. Everybody accepts what I think you've said, which is that it's happening.

David, do you want to add something?

Mr. David Matas: Our research didn't stop in 2006. We did a second report in 2007. We did a third report in book form, *Bloody Harvest*, in 2009. We've done a fourth version last year. As we travel, we meet new witnesses and we hear new evidence; everything is reinforcing, nothing is contradicting. We have a whole chapter here on what Harry Wu said, which you're welcome to read.

One of the principles we followed in doing our report is only relying on evidence that was independently verifiable, so if anybody actually wants to go through this themselves and come to their own conclusion on the material, they're free to do that and they can see everything that we saw. There are a number of people who actually have done that and produced corroborating reports, which we've produced—and some of them were quite long—in excerpt form in one of these chapters.

There's a transplant surgeon in England, Dr. Tom Treasure, who wrote a corroborating report. There's an academic at the University of Minnesota, Kirk Allison—

Mr. Wayne Marston: My intent wasn't to require you to go in depth on this, but to give you the opportunity to demonstrate to people the succession of things that you have done following the report, which you've already stated, and the different levels that you've done.

This is going to strike you as a strange question, but it's one that comes up. You've done a massive amount of work and a massive amount of travelling; how are you funded?

Hon. David Kilgour: It's a good question, and a question we get asked a lot.

Mr. Wayne Marston: I believe in clarity and I believe in things on the table. It helps people understand.

Hon. David Kilgour: We work entirely as volunteers. I don't think anybody has ever paid us a cent for this. When we go someplace.... I went to Korea a few months ago, and I think the practitioners in Korea, as individuals, put up whatever a fifth of a plane ticket to Korea was and also paid for my hotel, but they certainly didn't pay me anything. I offered to be billeted with one of the families.

Mr. Wayne Marston: I understand that, but I wanted the opportunity for you to present that information, because there are always people who are looking for the rationale. When something is too hard to believe, they start assigning beliefs to it that aren't accurate, so I wanted to give you that opportunity to put it out there.

Hon. David Kilgour: Thank you very much for the reason.

Mr. David Matas: Maybe I can follow up on that. I approached this issue as all of you did. When it first came to me, I didn't know what Falun Gong was or whether this was true or not and I slowly worked my way into it.

One of the things I realized is that the Chinese government, the Communist Party, calls Falun Gong an organization, but it's not. It's a set of exercises with a spiritual foundation that anybody can do. They can start at any time, stop at any time, not join anything, do it on their own. Falun Gong are a group of individuals who in some cases have formed together to create ad hoc organizations here and there, but these organizations do not include everybody who does the practice.

Every trip is financed differently. The typical financing is that somebody who invites me may be a Falun Gong practitioner, and that person pays, or he and his friends pay. There is no organization with a budget that's pouring out money. It doesn't exist.

Mr. Wayne Marston: No. I anticipated that, but again, I wanted that on the table.

The Chair: Unfortunately, we're out of time for this round.

We'll go now to Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair, and thank you, Mr. Kilgour and Mr. Matas, for your time and your presentation while giving your statements here today.

What can the Government of Canada do to encourage the adherence to human rights in China and judicial responsibility as well, specifically with regard to the overrepresentation of victims who are Falun Gong practitioners?

Hon. David Kilgour: Thank you very much for raising that point. You've been very supportive from the beginning too, Mrs. Grewal, and I appreciate that very much.

Engaging Beijing on universal values is really what you're talking about, and how do we do that? To be quite candid with you, when Wen Jiabao left as premier, I had been very hopeful that Bo Xilai had been so discredited by so many people that it looked as if Wen Jiabao was going to get to appoint a majority of the standing committee. However, as you know, Jiang Zemin—the arch-villain, in my view—got to appoint. It looks as though he appointed five of the seven members of the standing committee, and that's very discouraging.

We saw what happened in Russia, where there was the long night before Mikhail Gorbachev became the general secretary. There are something like 150 demonstrations a year now across China, people protesting the fact that their farms have been seized or their homes have been bulldozed or something. I have to believe....

David Matas and I have met wonderful people from China. The people of China want democracy and want the rule of law as much as you and I do, and it's going to happen.

The fact is that the new president-elect, Mr. Xi, spent I think nine years living in a cave during the Cultural Revolution, if I'm not mistaken. He seems to offer some hope of at least fighting corruption. I hope he will offer other things as well, but I felt it was a terrible mistake for Mr. Harper to allow Nexen to be taken over by CNOOC and I feel great pity for these 3,000 employees of Nexen.

You're not an Albertan. Are there any Albertans here? Yes—sorry. Forgive me.

It was a model company. They had the best corporate responsibility in places like Colombia and Africa, and I regret profoundly that we've allowed that company to in effect be nationalized by the party state of China. I noticed about 74% of Canadians seemed to agree on that.

● (1340)

Mr. David Matas: What you're asking is a strategic question to a certain extent, which this committee might be better placed to answer than we could, but I've tried to grapple with that myself. How do we deal with this particular issue, the killing of Falun Gong for their organs? There are different ways of dealing with it and dealing with human rights in China generally, including the persecution of Falun Gong and the labour camps. There seems to be some movement on the labour camps, because there have been some statements recently that they're going to close them. The statements have not been unequivocal, but it looks as though they're interested in doing that.

The most obvious way of stopping this immediately is stopping the killing of prisoners for organs, because once you stop the killing of prisoners for organs, you stop the killing of Falun Gong prisoners for organs. When you deal with some of these other issues, such as Falun Gong or human rights or labour camps or the death penalty, you get pushback, but when you tell the Chinese government to stop the killing of prisoners for organs, they will say we're right. If you give them time, they will do it. They will acknowledge that it's wrong and that it shouldn't be happening. It's a much different discourse, and it's a lot easier to deal with them on that issue.

Mr. Sweet mentioned Huang Jiefu. I have never talked with him myself; I wanted to, but the Communist Party handlers wouldn't let me meet with him. However, he has talked with other western people and he's western trained and he seems to be trying to work within the system to do this. I have some problems with the pace at which he is going, but some people in the system are trying to change this situation, and I think one could profitably press on this particular point without inflaming relations with China.

Mrs. Nina Grewal: On several occasions, it has been stated that prisoners in China have been arrested and detained without trial or appeal or any explanation. These detentions can be for days, even years, and they're a violation of their rights, of course.

Is this a common occurrence for many other prisoners, or are the Falun Gong a systematically targeted population?

Hon. David Kilgour: I'll say just a word about capital offences in China. I think 58 offences are capital offences in China, including tax evasion, so the law is bad. Your fellow British Columbian Clive Ansley, from Vancouver Island, practised law in Shanghai for 13 years, and what caused him to leave China, I believe, is that an email or whatever it was went out to the 200,000 judges in China saying that no foreigner will win again in a Chinese court.

I quote him, I think, in my statement. He points out that the hearings are theatres in China, and that the three judges who sit seemingly listening to the evidence in these courts don't make the decision on most cases or on significant cases. A group of judges that meets on a Wednesday morning decides that this case is coming up on Thursday and this one on Friday, and the decision will be this on the one on Thursday, and the penalty will be that; the judge who comes in and reads the decision and gives the penalties has not made the decision. That's the way their judicial system works, which is tragic.

• (1345)

Mr. David Matas: You were asking about what's going on in forced labour camps. Of course, the Chinese government doesn't tell you that. They won't allow the Red Cross or anybody from outside into these camps. There's no reporting. There are no NGOs. They don't tell you where the camps are. They don't tell you what the populations are.

The way we find out about the labour camps is we talk to people who've been in them and then get out of the camps and out of China. That's basically our only source of information. We can piece together a lot of information as a result, but we should again be insisting the camps be closed, that the Red Cross should get in, and that there should be transparency in the system.

Mrs. Nina Grewal: Your statements today indicate that many Falun Gong are the victims of illegal, non-consensual organ extractions. There are often other prisoners under terrible living and working conditions. These victims are found in both labour camps and sterilized hospitals as well.

The Chair: Actually, we can't continue that question because we're out of time for that round. Perhaps it would be possible, in responding to another question, for our witnesses to deal with it.

We'll go now to Professor Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

I want to begin by commending both our witnesses, David Matas and David Kilgour, for their pioneering and path-breaking work in regard to illegal organ harvesting. I've followed it for years and I think they are correct in characterizing the issue as one in which the evidence that they have adduced needs to be rebutted. The burden of truth at this point must be on the Chinese authorities. Until that

rebuttal is forthcoming, then the case that has been put forward by David Matas and David Kilgour stands.

I want to mention parenthetically that I am preparing a private member's bill along the lines that you have indicated and will consult with you so that we can put forward an exemplary private member's bill in that regard.

The question I want to put to you—and reference has been made to it—has to do with the CNOOC takeover of Nexen.

Apart from the overall concerns with a Chinese state enterprise taking over a Canadian resource company that had exemplary human rights standards, as you mentioned, Mr. Kilgour, there is the question of some serious allegations that the Chinese state enterprise, in this instance CNOOC, has itself been implicated in abuses of minority rights in China. In particular there is some evidence respecting the persecution of Falun Gong who were CNOOC employees and at the same time that CNOOC has used its security forces to cooperate with police in the arrest and detention of their own employees who were identified as Falun Gong practitioners.

My question to both of you is whether you have knowledge and can speak to the evidence of the complicity of CNOOC in the abuse of Falun Gong, which would be directly related to our concerns today, apart from bearing on the larger issue of the state-owned enterprise takeover of Nexen.

Hon. David Kilgour: Thank you.

I would ask David Matas to give that talk. He gave an excellent address in Alberta about a week and a half ago, and one of the issues he talked about is the point you just raised.

Mr. David Matas: Yes, perhaps I could say something about that.

There are 77 individual documented and verifiable testimonies of CNOOC complicity in the persecution of Falun Gong. CNOOC is a state company, and the Communist Party runs the Chinese government, including all state enterprises. It runs them centrally, regionally, and locally. Everywhere there's a government office or function, there's a Communist Party office or function that instructs the government office or function. There is a Communist Party office that instructs CNOOC. There is a part of the Communist Party that's responsible for the repression of Falun Gong. It is called the 610 office, named after the date it was established: June 10, 1999.

There is a 610 office in the CNOOC affiliate in China, the Bohai Oil Corporation. That 610 office was responsible, as I say, for the persecution of 77 documented individuals, who were interrogated, taken to the local police, arrested, detained, and sent to brainwashing centres or mental institutions. In mental institutions they, including pregnant women, were injected with nerve-damaging drugs.

The employees who were Falun Gong were fined huge amounts, arbitrarily searched, and dismissed. Their pay was held and their possessions confiscated. They were denied benefits and bonuses. They were paid wages only at minimum cost, regardless of seniority of position, expertise, and education.

If you were a Falun Gong practitioner or you are one today, employment in CNOOC in China is the first stop on a train whose final destination, potentially at least for some, is an unmarked white van where your organs are extracted and taken to the nearest hospital. Stops along the way are meetings with your immediate superior, then the Communist Party officials who run your office, then the local detention centre, then either a mental hospital or re-education through a labour camp.

I myself met with people in Alberta who worked for CNOOC, were harassed by it, and managed to get out in time before they suffered the worst ravages, and they know some of these other people who have suffered a lot worse.

I myself, as did David Kilgour, had reservations about this takeover of Nexen, and I thought preconditions for approval of the takeover should have been that all 610 offices in CNOOC would have to be dismantled; that the company would have to admit openly, publicly, and in full detail its human rights violating past; and that the company would have to compensate fully all its victims for the harm that all the affiliates have inflicted.

Now that the takeover has been approved, those conditions still need to be realized, as far as I'm concerned. I don't think we should say it's over and forget it. CNOOC is now a Canadian company, a Canadian neighbour, and we should insist that it respect these standards.

• (1350)

Hon. Irwin Cotler: On the issue of net benefit, which has been the criterion regarding the determination of the takeover, would you say that human rights considerations effectively are not factored into the notion of net benefit and that it is purely an economic concern?

Hon. David Kilgour: Absolutely not. Maybe the CNOOC and Nexen business isn't an issue the committee has been seized with, but it's....

Ladies and gentlemen, the 3,000 employees of Nexen, the ones who can get jobs somewhere else, are going to be gone immediately, as soon as they can get other jobs. To me as an Albertan, it's a tragedy that this has happened to Nexen.

Mr. David Matas: When we're dealing with foreign investment approval guidelines, I would say also that the net benefit criteria, or whatever the criteria are, should include that if you're going to be approved for an investment in Canada, you have to respect human rights abroad, acknowledge past violation, and compensate the victims.

The Chair: Thank you very much.

We next go to Mr. Schellenberger.

Mr. Gary Schellenberger (Perth—Wellington, CPC): Thank you.

Thank you, gentlemen, for your knowledge and abilities to put forth all the work that you've done over the past number of years.

Based on your research, have organ seizures from Falun Gong practitioners increased or decreased since your report was published?

Hon. David Kilgour: The short answer to that one is—and we agree on this completely—that the number of executions in China

has actually gone down a little bit, thank goodness; however, while the number of transplants basically went down for a while in 2007, it's now gone up again. The result is that since the Falun Gong are the only other source of organs, the consequences for Falun Gong have been very negative. More Falun Gong are being killed for their organs than in the past. That's the way I see it.

David, do you want to respond?

Mr. David Matas: I will afterward.

Mr. Gary Schellenberger: I do know that in order to have organ transplants, you have to have someone who wants that transplant.

In your assessment, has illegal global trade in human organs improved or worsened over the past decade?

• (1355)

Hon. David Kilgour: I don't think I could say anything. I'm really not in any position to make a comment on that.

However, let me give you the example of Australia. In 2006, Edward McMillan-Scott and I went to Australia. The Australian Broadcasting Corporation was extremely good. They put us on three nights in a row, and we talked about this situation. The Australians weren't aware of what was happening and where these organs were coming from when they went to China. About six months later we got an email saying that the number of Australians going to China for organs had...I think the term used was "collapsed".

If Canadians or Australians or anybody else knows that when they go to First People's Hospital in Shanghai and check in for a kidney or a liver, somebody who has probably been convicted of nothing is going to die, I think most people would not do it.

I know there is huge pressure on people to find the organs.

Mr. David Matas: I can add something to that.

Transplant tourism into China has definitely decreased since our report came out. In fact, it's not just Australia and other countries that have cut down on it; the Government of China itself has come out against it and said they are giving priority to Chinese nationals as opposed to foreigners.

When we first started going around, we were saying, "Oh, you only have to wait days for an organ", and then people would say, "Well, I have a relative in China who has to wait a lot longer", so there was a lot of dissatisfaction over that.

There is still transplant tourism into China. There is a website called Omar, which also appears in Arabic, that advertises transplants in China, but statistically there are definitely fewer. I would say that on the demand side, there is some a transition to a solution of the problem, but on the supply side, there is absolutely not. We're still getting organs sourced from the Falun Gong, and more so.

Mr. Gary Schellenberger: I know that here in Canada, it's taken a long time for people to realize they can donate organs. It's been a long process.

That process is happening in China, is it not? Is it because of their culture or their religion? I think we had that initially also. Do you think there is some hope that it will change down the road?

Mr. David Matas: The Chinese government set up a donation process in 2010 as a pilot project. In the first year, I think they had 37 donations. There were more people working on donations than there were donations.

The numbers picked up in the second year; I think there were 1,600. Of course, these are deceased donor donations. Not everybody dies as soon as they sign a card, so it doesn't actually lead to statistically significant numbers.

People say it's cultural inhibitions, but I don't buy that. The Communist Party of China is culturally far more removed from the culture of China than the culture of organ donation is. Look at the tens of millions of people who have joined the Communist Party.

I think what is really driving it is money and the marginalization of Falun Gong. A huge amount of money is paid to the hospitals and to the prisons. If you start getting donors, then the prisons don't get any money any more.

I think that once the Communist Party gives this a priority—and frankly, pressing them on the human rights matter is going to push them in the direction of giving it a priority—they will get as many donors as they have members of the Communist Party, and then some.

Mr. Gary Schellenberger: My understanding is that the only way they finance their prisons is through organ—

Mr. David Matas: Well, it's not the only way, but in China the military is a business. The military, as a business, sells organs. It's not their only source of money, but it's a big source. In fact, there was a military hospital that had on its website, "Selling organs is our main source of funds". Like everything else, I quoted it, and they took it down.

Mr. Gary Schellenberger: I have a dear friend who, quite a number of years ago, had a live transplant. It was a kidney. You can do that with a kidney, but you can't do it with a heart. I understand that. At that time it was not something that was readily done, 25 years ago or so, and now it's far more prevalent.

Hon. David Kilgour: You might want to know that one of our inquiries was to go to three hospitals in Canada. This was about four or five years ago. We went to one in B.C., one in Calgary, and one in Toronto, and we asked them how many transplants had come from China, because people have to go for care afterwards. Just going from memory, we got the impression that about 100 Canadians had gone to China for organs. That was just in these three hospitals over the previous year or two.

You can say it's a small number, but we'd like to think it would be zero. I think Canadians wouldn't be going if they knew what you know now.

• (1400)

Mr. Gary Schellenberger: Yes.

Mr. David Matas: It's chilling, and there are many chilling incidents. As you say, somebody can survive a kidney donation, but we never came across a surviving kidney donor in China.

Mr. Gary Schellenberger: You use both of them.

The Chair: Mr. Kilgour, before we go to our next questioner, I wanted to clarify one of your answers to Mr. Schellenberger's first question.

You indicated that the number of executions had gone down, but you implied that was problematic. Were you saying that the number of official executions has gone down, but as a result the demand for organs has been met by increased extrajudicial killings of Falun Gong practitioners?

Hon. David Kilgour: Yes.

The Chair: Thank you.

[*Translation*]

Mr. Jacob, you have the floor.

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you, Mr. Chair.

Thank you to our witnesses.

In recent years, the European Parliament, United States congressional subcommittees, the UN Special Rapporteurs on Freedom of Religion or Belief and on the Question of Torture, have raised concerns regarding allegations of organ harvesting of Falun Gong practitioners in China.

How would you characterize the impact of international efforts to raise awareness regarding organ harvesting in China?

Hon. David Kilgour: Thank you very much for your question.

There are problems; I am just as convinced as David that that is the case.

We learned French in Paris, and unfortunately that was 40 years ago.

As you know well, the position of Director General of the World Health Organization is occupied by Ms. Chan, who is from Hong Kong, I believe. David may have a different opinion, but I think that the WHO has not shown much cooperation. I do believe nevertheless that some progress has been made by all of the organizations that you and we have referred to. We remain optimistic, but time is passing and every day, people are dying.

Mr. David Matas: I would like to add something. I am going to do so in English, I am sorry.

[*English*]

First of all, Manfred Nowak raised this issue a couple of times in his report, asking for China to explain the discrepancy between volume of transplants and volume of identified sources. That was picked up by the UN rapporteur on religious intolerance; Asma Jahangir repeated that. The committee against torture, because China is a signatory to the convention against torture, asked China to appoint an independent investigation into sources of organs for transplants. The matter was raised in the universal periodic review.

There was a petition within Europe with 166,000 signatures from 36 countries. I presented it in December to the UN High Commissioner for Human Rights. I met with them a couple of weeks ago. The petition was asking the UN to do an independent investigation. The official I met said that he would canvass the rapporteurs on health, torture, and religious intolerance in doing this.

Obviously the international community could do more, but they're doing something. The European Union parliament has held a couple of hearings on this issue, one of which I participated in during December, so there is some engagement. My view is that the universal periodic review is another opportunity to remind the international community of this issue.

[*Translation*]

Mr. Pierre Jacob: Thank you.

In your opinion, what should Canada and other like-minded governments do to increase transparency with respect to China's organ transplantation system?

My question is addressed to both of you.

Hon. David Kilgour: I have a very simple suggestion. We could indicate on the website of the Department of Foreign Affairs that if you go to China as a tourist for an organ transplant, it is possible that you will be receiving an organ that came from a Falun Gong member who is a slave in a labour camp. I am certain that the Chinese Embassy would not appreciate that type of measure. However, up till now, I do not believe that any government has posted such a notice on its website.

• (1405)

[*English*]

Mr. David Matas: I have a couple of suggestions to make.

One is to continue to press for China to release death penalty statistics. Second, China runs four transplant registries whose statistics are reasonably reliable, because the hospitals report directly to the registries. They are in four different cities in China. One is in Hong Kong. The Hong Kong liver transplant registry used to be public; then I started quoting their figures, and they shut it down.

I would just say to China, make all data—obviously, not the individual data, but the aggregate—available from these four transplant registries. If you have that, and the death penalty statistics, I think you'd have a lot more transparency.

[*Translation*]

Mr. Pierre Jacob: Thank you, Mr. Chair.

The Chair: Have you finished?

Mr. Pierre Jacob: Yes, that is all.

[*English*]

The Chair: *Merci.*

Okay, we're basically at the end here.

I did have one general thematic...I guess it's a question. It's a statement, but I suppose there's a question attached to the end of it.

One of you, and I can't remember if it was Mr. Kilgour or Mr. Matas, made a comparison briefly to Dr. Mengele, and when I look at what happened with the Nazis and what separated out the monstrous regime they had from run-of-the-mill persecutions that have occurred elsewhere through history, what strikes me is not that the people who perpetrated it were more evil but that the apparatus of persecution became self-financing and was no longer a drain on the state. Persecution is an economically inefficient activity. Taking productive citizens and persecuting them is economically inefficient, but when you can make it self-financing, as it then was, there's no limit on what it can do.

The worry I have is that we have a self-financing apparatus for the persecution of a part of society. That's not its objective, but that is where it gets its raw material from, and it now has an incentive to keep itself going. Am I out on a limb here, or does that seem like a genuine problem?

Hon. David Kilgour: We'll both want to comment on that, but there's just one thing. The human body, last time I looked, under this system with the prices they have for the different organs, is worth about half a million dollars in China. Every Falun Gong practitioner or convicted prisoner is worth half a million dollars, because they take all the organs—they don't just take one—and then they burn the body. I think there's a huge waste, because you have to find people within a couple of days for the heart and so on. I'm sure there's enormous waste, but—in theory, at least—every human being who's killed under this terrible crime against humanity is worth half a million dollars.

As you said, that's a particularly distressing factor about this.

Mr. David Matas: Yes, it's half a million per body. If you look at it in terms of totals, the government of China occasionally coughs up totals of 10,000 a year, and that's like a billion dollars a year. That's an awful lot of money for them to say, "No, we're going to give that up."

It isn't just the money. The primary concern of the party in power is power, not money. If you can create enough concern internationally so that their political legitimacy becomes questioned because of what they're doing, they will back away from this, in spite of all the money.

Obviously the money keeps it going, but the problem of money can be overcome if enough concerns are expressed about the human rights violations.

The Chair: I thank both our witnesses very much. You've been fantastically helpful to us. Every time you come back, you are better informed than you were before, and we are all very appreciative. Thank you very much.

The meeting is adjourned.

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