

EXTERNAL

AI Index: AISA 38/05/92  
Distrib: PG/SC

Date: 17 July 1992

**FURTHER INFORMATION  
ON EXECUTIONS AND ORGAN TRANSPLANTATION**

(See AISA 38/11/91, 8 July 1991 and AISA 38/04/92, 20 March 1992)

**TAIWAN**

In December 1990, the first execution in Taiwan to be followed by removal of organs from the prisoner took place. Two months earlier, in October 1990, legislation had been introduced to permit the practice. Amnesty International was concerned by the many serious ethical issues this practice raised, including the prisoner's right to consent freely, the risk that pressure to use a prisoner's organs might affect the timing of a death sentence or the outcome of a prisoner's appeal and the risk of death row prisoners becoming an accepted source of organs, impeding reform or abolition of death penalty laws.

Further information has now been received from Taiwan, but this presents conflicting views about whether the practice is still continuing. Both the Chinese Medical Association-Taipei (Taiwan Medical Association) and the Transplantation Society of the Republic of China (Taiwan) have stated that executed prisoners are no longer used as a source of organs. Letters from these two bodies state that "The Neurology Society of R.O.C. has officially declared that the judgement of brain stem death will not be decided on the executed prisoners even [if] they agree to donate their organs due to [a] practical difficulty on Dec. 3, 1991. Therefore, we have no more organ donors from executed prisoners."

Responses to earlier appeals have also been received from the Department of Health and from two Taiwan hospitals - the National Taiwan University Hospital and the Tri-Service General Hospital. None of these letters, however, make any reference to the Neurology Society's resolution or to a halt to the harvest of organs from executed prisoners. The National Taiwan University Hospital is one of the hospitals where the transplantation of organs from executed prisoners has been taking place and some of the initial proponents of the idea were doctors from this hospital. A letter from the hospital's chairman, Dr Shu Hsun Chu, defends the practice and states that in addition to the National University Hospital there are five other Taiwanese hospitals which accept executed prisoners for organ donation. His letter tends to suggest that the practice continues. Paradoxically, the National University Hospital is the same hospital at which the President of the Transplantation Society of the ROC is based. Responses from the Department of Health similarly make no reference to the practice having ended. The Director of the Tri-Service General Hospital has written saying that his hospital holds similar concerns to those expressed by Amnesty International, and that the hospital has thus never agreed to accept the body of an executed prisoner for removal of organs. Copies of this recent correspondence is attached.

The practice of using organs from executed prisoners has involved medical staff closely in events surrounding the execution. Once a condemned prisoner had consented to organ donation

the hospital which was to perform the transplant operation was informed and a medical team visited the place of detention to examine the prisoner and take blood samples for tissue typing and other tests. A team of doctors was present at the place of execution which was by a shot to the brain stem. Prior to the execution an anaesthetist administered anaesthetics and intubated the prisoner. The shot was then fired by a law enforcement officer following which doctors stemmed the haemorrhage, administered blood volume replacement and ventilation. The executed prisoner was then transported to the hospital where transplantation was to take place.

Given the conflicting information now received from Taiwan, Amnesty International is seeking to clarify matters and is approaching the authorities and medical bodies to determine the current position. No details are available about the 3 December incident referred to by the President of Taiwan's Transplantation Society as having prompted a halt to the use of prisoners' organs. Amnesty International is also seeking information about this incident.

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To: Medical professionals  
From: Medical Office / Research Department - Asia  
Date: 17 July 1992

### ***FURTHER INFORMATION ON MEDICAL LETTER WRITING ACTION***

(See FI 38/11/91, 8 July 1991 and FI 38/04/92, 20 March 1992)

#### **EXECUTIONS AND ORGAN TRANSPLANTATION TAIWAN**

#### **Keywords**

Theme: Death penalty/ executions/ organ transplantation/ medical ethics/ medical abuse  
Profession/association: Transplantation Society/Medical Association/Department of Health/  
surgeons

#### **Summary**

Amnesty International has received conflicting views of developments in Taiwan over recent months. Letters from the Transplantation Society of the Republic of China [Taiwan] and from the Medical Association suggest that organ use from executed prisoners has ended since the Neurology Society of the ROC declared that "brain stem death will not be decided on executed prisoners". However letters from the Director of the Department of Health and the National Taiwan University Hospital suggest that the practice continues. Copies of the correspondence is attached. FI is seeking further information.

#### **Recommended Actions**

Letters are requested from medical professionals to the addresses given below

1) Those who have received responses to their recent appeals are asked to write back to the sender thanking him for his letter and referring to the apparently conflicting information received recently from Taiwan. Letters should politely ask for confirmation about whether the use of executed prisoners as a source of organs has been permanently ended.

2) Those who have not received responses personally could write again to any of the following:

*Director-General of the Department of Health*

- Referring to the Neurology Society's resolution cited by the Medical Association and the Transplantation Society of the ROC

- asking whether it is true that such a position has been taken and, if so, whether this is respected by all surgeons in Taiwan and has meant an end to the practice of the use of organs from executed prisoners.
- Asking for information about how executions will now be carried out and how the death of an executed prisoner will be determined.

*Dr Shu-Hsun Chu, National Taiwan University Hospital*

- As above

*Dr Chue-Shue Lee, President of the Transplantation Society, ROC*

- Referring to the decision of the ROC Neurology Society; seeking confirmation of whether their decision truly means that there will be no further use of organs from executed prisoners
- Asking him whether the Transplantation Society will make any public declaration on the subject
- Asking him to explain the nature of the incident on 3 December 1991 which led the Neurology Society to take this position
- Noting that his colleague at the Department of Surgery, National Taiwan University Hospital, Dr Shu-Hsun Chu, clearly believes that transplantations can, should and do take place. Does the hospital itself have a position?
- Asking him for details of the procedures which will now be followed to determine death in an executed prisoner

*Minister of Justice*

- Raising the first two points listed above
- Asking for details of how executions will henceforth be performed and how death will be determined

#### **Addresses**

*Director-General of the Department of Health*

Po-Ya Chang MD  
 Director-General  
 Department of Health  
 100 Ai Kuo E. Rd  
 Taipei  
 Taiwan, ROC

*Dr Shu-Hsun Chu, National Taiwan University Hospital*

Shu-Hsun Chu MD  
 Chairman and Professor  
 Department of Surgery  
 National Taiwan University Hospital  
 1 Chang-Tz Street  
 Taipei  
 Taiwan, ROC

*Dr Chu-Shue Lee, President of the Transplantation Society, ROC*

Chu-Shue Lee MD  
 Professor of Surgery  
 National Taiwan University Hospital  
 No.7 Chung-Shan S. Road  
 Taipei  
 Taiwan 100, ROC

*Minister of Justice*

His Excellency  
 Yu-wen Lu  
 Minister of Justice  
 Ministry of Justice  
 130 Chung Ching S. Road  
 Sec. 1  
 Taipei  
 Taiwan, ROC

**Copies may be sent to any of the following:**

The Chinese Medical Association-Taipei  
 PO Box 3043  
 Taipei  
 Taiwan, ROC

Taiwan Association for Human Rights  
 2F, No 1, Lane 25, Sect 3  
 Hsin-sheng S. Road  
 Taipei  
 Taiwan, ROC

The Chinese Association for Human Rights  
 8th Floor, 102 Kuang Fu S. Road  
 Taipei 10555  
 Taiwan, ROC