

Organ Trafficking During Times of War and Political Conflict

By Nancy Scheper-Hughes

Chancellor's Professor, Chair of the Doctoral Program in Medical Anthropology, University of California, Berkeley

Today, following decades of denial, human trafficking for the removal of kidneys from the living is recognized and condemned by the global medical and transplant professions. (Ambagtsheer, F., and W. Weimar W. 2012 and 2016). The United Nations Convention Against Transnational Organized Crime (UN 2000a) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN 2000b) recognizes forced labor, sex, and human trafficking in kidneys as organized crime, a human rights abuse, and as a potential crime against humanity. The Istanbul Declaration of 2008 (Danovitch, et al, 2013; Capron and Delmonico, 2015) convened by transplant professionals from the Transplantation Society (TTS) and the International Society of Nephrology established a set of universal first principles and an international custodial group to oversee transplant laws, practices, and violations regarding human organs trafficking. Despite these prohibitions and the criminalization of human trafficking for the purpose of organ removal, the global quest for fresh organs is widespread, involving private, clandestine, and public exchanges among buyers, brokers, surgeons, and sellers from North and South, East and West (Scheper-Hughes 2003a and b; 2008, 20011a and b, 2014). It is, as I have argued elsewhere, a protected crime (Scheper-Hughes 2013).

Here, I will address another and more hidden dimension of organ trafficking: the plunder of the bodies of the enemy during or in the aftermath of wars, with the complicity and collaboration of militarized police states. The theft and plunder of enemy bodies, living and dead, during times of war, has a long genealogy (Harrison, 2013). Medicalized executions for organ procurement for transplantation and for commercial uses during political conflict, civil wars, and ethnic cleansings represent a worst-case scenario and a collective human nightmare: the fear of being cannibalized while living or dead. In each of the cases documented by Organs Watch bearing on disappeared bodies, illegal dissections, and the harvesting and stockpiling of organs, tissues, and other body parts (limbs, torsos, and heads) from the bodies of the enemy, fact and fiction, truth and rumor, the hallucinatory and cold, forensic medical facts are often combined.

The motives behind the plunder of enemy bodies - for example, the violations of Palestinian enemy bodies at the National Forensic Institute of Abu Kabir in Tel Aviv and the abuses of the mentally and cognitively challenged inmates of Argentina's National asylum as free sources of blood from the living and cornea, and heart valves and organs from the dead during and after the Argentine Dirty War - were political and military ideologies and the greed of financial corruption. In Argentina, a Nazi-like scheme to plunder the bodies of psychiatric inmates - seen as an eyesore to the fascist state - managed to supply Argentina with all the cornea and blood it needed. Blood was extracted from patients at Colonia Montes de Oca and sold to private hospitals. During the Falkland War, the blood was supplied to the military for injured soldiers and for military officials and family members who needed blood infusions. (Scheper-Hughes, 2015). Similarly, during the anti-Apartheid struggle in Cape Town, South Africa, police mortuaries piled up with the bodies of young black men killed by police, and those bodies were used as sources of tissues and other biomaterials for White South Africans. This case was similar to the allegations of organ theft by KLA militants from Serbs remaining in Kosovo and Albania at the end of the Kosovo War in 1999 (Ghia, 2011). These cases were born of contradictory motives, ranging from race hatred, retaliation, nationalist interests, the desire to display power and authority, and ordinary greed and corruption.

In times of instability, severe rights abuses are conducted through the theft of illicit organs and tissues from prisoners of war, mental patients, and the unwanted dead bodies of the poor. Organs and tissues are harvested from socially and politically dead nonpersons, the Homo Sacer of the postmodern era. These acts are so abhorrent that they fall under the moral-political category of crimes against humanity: evil crimes.

Mobilities and Immobilities:

Trafficking Syrian Refugees in Detention Camps

Until fairly recently, anthropologists liked to describe the new globalized world as one in which extreme mobility, flexibility, and the free circulation of people, technologies, and capital are all regulated by world banks and world courts and aided by Doctors Without Borders. Today, however, we face a very different world, resulting from the chaos of unresolved - or unresolvable - warfare in the Middle East and its producing the tragedy of political asylum seekers in the Middle East, Africa, and Europe, alongside a rising tide of neo-Nazism in countries and places that we can hardly fathom: Denmark, of all places, Hungary, and Poland. The United States has its own "great migration," as refugees from Honduras, one of the world's most violent and dangerous countries, and those escaping the drug wars and vigilantes who control large swaths of Mexico, are being hunted for their kidneys.

Since the beginning of the war in Syria, religious and cultural minorities in ISIS-controlled areas have made the trek now known as the "Great Migration" across the borders of Syria to Turkey, Lebanon, Italy, and Scandinavia by foot, bicycle, taxi, and, most notoriously, by dinghy, rafts, and "boats of wrath." It is the bodies of the meticulously dressed toddlers washed up on the sandy shores that move the world's indifferent citizens. Stateless people are nobody's primary concern, not even in nations we came to think of as cosmopolitan secular humanist states, including Denmark, Hungary, Italy, and Germany. Xenophobia is raising its ugly head in Europe and the United States.

Man is Wolf to Man: An Organ Trafficker Among the Sheep

In December 2015, a man named Boris Wolfman (or Volfman) was arrested in Istanbul, where he had been contacting Syrian refugees to recruit them to sell their organs to foreign transplant tourists who would be treated in one of the several private transplant units in Turkish hospitals. Wolfman was a fugitive wanted in Israel, where he had been indicted for setting up illegal transplant operations in shadowy clinics in Kosovo, Azerbaijan, Sri Lanka, and other locations for international transplant patients willing to pay upwards of \$100,000 for an illegal transplant with a kidney from an anonymous trafficked person.

Wolfman was known among both kidney sellers and transplant tourists alike as ruthless. He was part of an international organized crime network that spanned the globe. In the beginning, it was fairly easy to recruit new immigrants to Israel, mostly refugees from economically devastated countries like Moldova, the Ukraine, and Romania, who were eager to settle in Israel but who needed help. Brokers, like Wolfman, met immigrants on arrival and promised them help in getting residency and even citizenship in Israel if they were willing to serve the country by selling a kidney in a foreign clinic for several thousand dollars. With the passage of new laws in Israel making kidney brokering a crime, Wolfman saw another option: the great migration of political refugees from Syria. They would be easy targets: dazed, disoriented, and willing to do anything to

get their children to safe ground. Parting with a kidney might be the least of what they had had to suffer in getting to the West or at least as far as Adana or Istanbul in Turkey.

Poor and ethnic minority Syrians had long been exposed to kidney trafficking inside Syria. Before the wars that have wrecked the country, kidney selling among the poor was a last resort—an ugly but familiar one. Today, Syrian refugees are being trafficked and welcomed in detention centers by kidney smugglers. A 19-year-old Syrian refugee named Raïd fled with his family of six siblings from Aleppo to Beirut, Lebanon. There, he was contacted by a kidney hunter, Abu Hussain. Like Boris Wolfman, Hussain had sent out kidney runners to locate freshly arrived refugees and offer them money and help with immigration authorities if they agreed to sell a kidney. A kidney for a temporary visa, what could be better than that? Lebanon, like Turkey, has long been a facilitation site for illegal transplants, one serving thousands of transplant tourists, with many coming from the Persian Gulf. Before Syrians began filling this niche, Palestinian refugees in Jordan and Lebanon provided the kidneys desired by transplant patients. Today, Syrian refugees are new bait, cheaper and more desperate. Raïd told *Der Spiegel* that he sold his kidney to help his family survive in the detention center, but he was defrauded of the promised money and deposited on the curb after his painful surgery, without even pain medication or antibiotics. “Shut up. I don't care if you die. You're finished anyway,” his broker told him (Putz, 2013).

At the beginning of the latest political conflict in Syria, I was contacted by a political refugee in the Bay Area of California to obtain political asylum following a kidney removal at the famous Cleveland Clinic Transplant unit. Salah X. was a bonded servant to a royal family in Qatar, who, in the last year of his bonded servitude, was taken to the United States without his knowledge of what he would be doing there for the family. Upon arrival, he was told that he would be providing a kidney to a member of the royal family related to his boss. The Cleveland clinic paid no attention to Salah's panic and his attempt to leave the hospital surgical ward. The kidney removal proceeded without the man's consent. He refused to return to Qatar and, with the help of a lawyer, filed a petition for political asylum based on his fears of retribution from his employer and his status in Syria as a political minority, a Druze cleric. I wrote a deposition based on copies of Salah's medical records. He was, however, denied political asylum, and he disappeared from the radar.

As for Boris Wolfman, I am told from inside sources that he is in custody in Israel. Syrians continue to be targets of other brokers from other countries, even in the United States. Boris's unfortunate surname evokes the ancient Roman Latin proverb, *Homo homini lupus*: "A man is a wolf to man."

ISIS and Allegations of Organ Trafficking

In March 2015, I was bombarded by telephone calls from CNN and other international news services to comment on allegations by the Iraqi ambassador to the UN, Mohamed Alhakim, who, at a special meeting with the UN Security Council, called on the Council to investigate the deaths of 12 doctors in Mosul, Iraq. He said they were killed after refusing to remove organs from the bodies of captives held by ISIS. “Some of the bodies we found are mutilated... and [body] parts are missing” (Sanchez 2015). According to the UN ambassador, bodies were exhumed from shallow graves in an undisclosed location in Iraq and were missing kidneys and other organs. “We have bodies,” he said. “Come and examine them.” These allegations followed earlier international reports that ISIS had opened a medical school in its main stronghold in Syria and that doctors there had been forced to remove organs from prisoners of war, including Iraqis across religious and ethnic divides: Sunni, Shia, Christian, and Turkman. There were also reports of

medicalized executions by ISIS during which transplant organs were taken. This would be similar to the medicalized executions of prisoners (many of them allegedly political prisoners) in China who were and continue to be harvested. Reports that ISIS was using organs as an additional source of income and simultaneously as a display of power (like beheadings) were also being considered.

When asked by CNN to comment on these reports, I took a deep breath, thinking that this was perhaps one battle in which I did not wish to be involved. Nonetheless, I commented that the demand for organs and tissues was insatiable (Sanchez 2015).

Similar cases include the allegations by the Council of Europe (Marty, 2010) of kidnapping, murder, and medicalized executions with kidney removal of political prisoners—Serbs and other minorities in Kosovo—in secret detention camps in Kosovo and Albania at the end of the Kosovo War. During initial United Nations Mission in Kosovo (UNMIK) investigations, witnesses testified that kidneys were removed during executions and flown to Turkey. Some witnesses were murdered, forensic data were lost or destroyed, and the investigations were interrupted. In September 2011, the Chief Prosecutor, Clint Williamson of the Special Investigative Task Force (SITF), concluded that a small number of these cases could be substantiated. Today, EU prosecutor David Schweindeman is leading a bicameral tribunal with the government of Kosovo on war crimes committed by the KLA, including harvesting organs from prisoners of war (Vukusic, 2016).

Dangerous Rumors

Trafficking for organs is not uncommon in war zones, areas dealing with political conflict, transitional states, and regions suffering from natural disasters, like the earthquakes in Turkey and Haiti. These conditions create public chaos, which provides a cover for illegal harvesting and plundering of the bodies of the dead. However, at the same time, these conditions can stir up rumors of organ harvesting, without any forensic evidence. Of course, some of these allegations are false, based on moral panic, posttraumatic stress disorder, and the anxieties and worst fears of vulnerable populations and ethnic groups. For many marginalized populations across the world who have experienced the disappearances of their loved ones, and to whom almost anything could be done, even the theft of organs, the fears are based on a real sense of existential insecurity.

There were, for example, allegations of illegal organ harvesting by the Israeli humanitarian field clinic set up in Haiti following the 2010 earthquake. A spokesperson for the U.K. Liberal Democratic Party called for a parliamentary investigation of the allegations, which were later dismissed as political propaganda from Iran and Palestine (Leyden, 2010). However, these rumors were actually fueled by the presence in Haiti of both U.S. and Israeli religious organizations that proposed airlifts and adoptions by foreign families of the alleged "tens of thousands of Haitian children" orphaned by the earthquake. Organ theft and child theft are often linked in rumors. In this instance, speculation was fueled by humanitarian interventions to rescue children whose parents were wrongly presumed to be dead in the initial chaos.

Rumors of organ stealing have led to mob lynching of foreigners suspected of adopting poor and disabled children for their organs. Several of these rumors led to violence and international diplomatic problems in Central America and Moldova in the early 2000s. As recently as 2014 in Sao Paulo, Brazil, a woman was attacked and killed by a mob after her photo was posted on Facebook alleging that she was kidnapping stray children with the intent to kill them for their organs.

U.S.-Mexico Borderlands and Drug and Organs Trafficking

Along the U.S. border with Mexico, a string of barrier fences was signed into law by George W. Bush and extends almost 700 miles. Whereas a great migration came from war-torn countries in the Middle East into Europe, Baja, California has war-ravaged refugees from the drug cartel-infested states of Sinaloa and Michoacán. In 2010, I contacted FBI agents about a private hospital in Baja where illegal transplants for North Americans were taking place. I also told them about a Mexican refuge, Adriana Gil, who contacted me through her partner for help in filing her complaints of kidnapping, torture, sex slavery, and child trafficking for organs at the hands of a brutal drug cartel. Then living in Riverside County in Southern California, I agreed to meet with them on the campus of UC Riverside. The story seemed outrageous, one that, under ordinary circumstances, I would have rejected at the outset. Perhaps the woman was suffering from recovered memories of some kind of trauma, but what would motivate her to call Organs Watch to go public and put herself in danger of deportation? She said that she wanted the truth to be known and for the horrendous crimes to stop. She was willing to speak with police, the FBI, or whomever I could contact. So, accompanied by my daughter, Jennifer Scheper Hughes, a UC Riverside professor of Mexican religious studies, who had been forced to leave one of her Mexican field sites following threats from a local drug cartel, we spent a day in the company of Ms. Gil and her protective companion. Her story began when she was a young mother who was held hostage as a sex slave for several years by a drug cartel. She said she was hand delivered to the cartel by her then-boyfriend and father of their two children. She had been raped repeatedly and was tortured. She showed me her scars, including burns from cigarettes and cigars.

She managed to escape across the border into southern California after a drug lord named “Juan,” had groomed her to scout for children in poor schools and daycare centers and to abduct them for kidney trafficking. Although most of Adriana’s story was validated by immigration officials and by the trauma center where she was treated for symptoms of PTSD resulting from her torture, the doctors and psychiatrists could not validate her story that she was asked to scout and to kidnap small children for the drug cartel to use as they wished.

While everyone from the UN Office on Drugs and Crime to the Vatican and Pope Francis have recognized organ harvesting from political refugees and from enemy combatants as crimes against humanity, the empirical forensic evidence is lacking. I was fairly certain that Adriana had been ordered to kidnap children, but for what purpose – sexual abuse, illegal adoptions or kidney trafficking - I could not verify.

After my interviews with Adriana Gil, I contacted FBI agents assigned to cover the California and Mexico borderlands for human trafficking by drug cartels. I shared with the young FBI agents (with Adriana’s permission) the story of Mexico-U.S. borderland drug cartels involved in organ harvesting from children. The investigators said that they did not have the tools, the support team, or the resources to investigate Adriana’s gruesome testimony. They were convinced that it was a likely scenario, but they did not have the resources to tackle it. So, instead, I worked with a Hollywood film company that produced a second-class social thriller, the film “*Inhale*,” starring Sam Shepard, which was based in part on Adriana’s allegations. As I stated above, in the Organs Watch project, the real, the unreal, and the uncanny often collide.

Thus, I was not surprised when in March 2014, Manuel Plancar Gaspar, a member of a drug gang known as the Knights Templar (*Los Caballeros Templarios*) was arrested and detained by Carlos Castellanos Becerra, the head of Seguridad Pública, in the state of Michoacán on charges of

kidnapping children for the purpose of selling their organs. Gaspar was identified as the leader of the cartel's organ trafficking ring.

ISIS Decrees on The Right and The Duty to Kill and to Cannibalize the Body of the Enemy, the Infidels and Apostates

In the wake of allegations of executions, beheadings, and organ harvesting of kidnapped persons by ISIS forces in Iraq and Syria, one of our UC Berkeley anthropological graduate students, Khashayar Beigi, came across the website of *Jihadica* last February (2014) where a number of fatwas bearing ISIS insignia have been collected by a team of academicians and researchers (<http://www.jihadica.com/32-islamic-state-fatwas/>).

Mostly originating from Yemen, many of these fatwas were circulated by cell phones and Twitter. These fatwas informed ISIS combatants that harvesting organs from the bodies of the enemy-infidel or removing organs from living apostates, even if this might cause their death, was permissible. The fatwas neither prove nor disprove the allegations made by the UN ambassador, but they do cast light on ISIS militants' use of ancient and classic Islamic texts in fatwas bearing on the current wars in the Middle East. Fatwas are traditional religious decrees delivered in response to a pressing question or problem without precedence in Islamic jurisprudence. Many of the ISIS fatwas seem to deal with the administration and adjudication of a vast range of everyday life matters, such as marital arrangements, inherited property, and the permissibility of sports. However, some of the fatwas clearly show a direct engagement with inquiries specific to exceptional circumstances in the context of current wars and struggles.

A fatwa is an Islamic legal pronouncement, issued by an expert in religious law (*mufti*), pertaining to a specific issue, usually at the request of an individual or a judge, to resolve an issue where Islamic jurisprudence (*fiqh*), is unclear. Typically, such uncertainty arises to address new issues such as medical technologies and other biotechnologies advance. "Can a Muslim be involved in cloning?" for instance.

Among the fatwas posted online were many concerned with medical circumstances during war, such as the shortage of doctors and the use of enemy bodies and organs for life-saving measures. A partial translation of the ISIS fatwa on organ transplant shows not only that bodies are being held captive in the current wars in the Middle East, but also that medical, moral, and theological teachings on life and death are being reshaped forcefully. In contrast to secular courts of law, fatwas are not binding rules unless a Muslim chooses to follow them. So, rather than seeing ISIS fatwas as enforcing individual actions or moral judgments by the religious authorities who release them, one can study fatwas as religious expert pronouncements that can shed light on the social, historical, and political circumstances in which ancient religious traditions and reasoning are applied to current social and political realities. For example, terms such as "the constrained person" (*modhtar*) or a "person living in exceptional times and circumstances" (*idhtar*) are used in fatwas to convey that the person or the subject of the fatwa is concerned with emergencies that might require a new religious decree. The application of these terms to organ harvesting during the current wartime violence and medical needs in ISIS-ruled territories shows the way in which analogical reasoning and ancient precedents drawn from traditional Islamic jurisprudence can justify cannibalizing the bodies of infidels and apostates.

The violence and chaos of war, parallel to the unleashing forces of death and destruction on the ground by the states, ripple into the centuries-old fabric of Islamic medical practices - ancient codes of warfare and religious reasoning. These fatwas are forensic pronouncements on medical practices, religious traditions, and wartime conducts from the perspective of moral, theological,

and military institutions. The fatwas seeped into the desolate wartime landscapes of amputated limbs, extracted organs, bombed residences, and beheaded corpses scattered in the battlefields of Iraq and Syria. What is being held captive in these ISIS fatwas, in addition to the bodies of political prisoners, is the normal space of intelligibility, moral reasoning, and moral conduct of Islamic jurisprudence. Fatwa No. 68 is translated by *Khashayar Beigi* (below).

Fatwa No. 68

Question: Is it permitted to take organs of the captive apostate for those Muslims in need of it?
Answer: There is no doubt that Muslim hospitals are overwhelmed with illnesses and diseases of heart, kidney, and all similar intractable conditions that threaten the afflicted with fatal and degenerative conditions, harm, and death.

God Almighty knows best about the rewards of transferring the healthy organs of the apostate to the body of the Muslim to save his life or remedy the lost organs, as there is evidence in all bodies of sacred religious texts and rulings.

God Almighty says, “and whoever saves one—it is as if he had saved mankind itself,” and the context of this verse is general and includes all forms of saving lives including organ transplant. The duty to save a Muslim soul from sickness and death is a religious obligation necessitating all legitimate available means. When a given means is the only way for a religious obligation to be accomplished, then that means is itself obligatory.

Accordingly, the experts of the Shafi'i and Hanbali schools of Islamic jurisprudence permitted killing of the warring infidels or apostates under the constraining circumstances of eating their flesh to stay alive. Imam Alnawawi says, "There is permission to kill the warring party, the apostate, and moreover to eat their flesh carries no sanction."

If the experts of jurisprudence have allowed under war conditions believers to eat the flesh of the infidel in order to prevent harm and loss of life, these apply as well to the transplant of organs from the apostate to the Muslim. The life and organs of the apostate are not protected by Muslim jurisprudence.

In short, the cannibalization of the infidel is permissible in times of war when destroyed bodies and limbs are scattered on the fields. War is hell, and under these extreme conditions when Muslim soldiers are famished in the desert, losing blood, and needing surgery, the right to life means that the body of the enemy—the apostate or the infidel—can be used to supply food, blood, and organs.

It is an argument that resonates with the demands made by those individuals of all religions who travel abroad to purchase “spare” kidneys from the poor, the destitute, the displaced, and the wretched of the earth, to make themselves whole. I have applied the word “neo-cannibalism” to all illicit transplants based on the exploitation of strangers who in the minds of the buyer are mere “things” (organs) from the bodies of people who do not count, and who might as well be “infidels.”

The Body of the Terrorist: Biopiracy at the Israeli Forensic Institute at Abu Kabir, Tel Aviv

There was trophy collecting of skinned tattoos taken from the bodies of Russian new immigrants and from prisoners. Tattoos were an oddity in Israel, where they are still associated with the Shoah. But, there was also a taint of suspicion about the new immigrants from the former Soviet

bloc states, who were privately suspected of being economic refugees rather than cultural refugees, claiming a tenuous-at-best Jewish identity. As explained by Dr. Hiss, the director of the Israeli Forensic Institute, eye globes were taken from the heads and sheets of skin were taken from the backs of Palestinian combatants whose bodies would be returned to their family members in tightly bound sheets and with eyes glued shut to avoid detection. But some family members (as in the case of South Africa) carefully uncovered and inspected their "war" dead and were horrified at seeing the second death to which their loved ones had been subjected.

The moral collapse at Israel's National Forensic Institute at Abu Kabir led by the director and state-appointed senior pathologist, Jehuda Hiss, and his staff was complete, lacking any vestige of human decency in their official stewardship and protection of the bodies of the dead. The abuses were facilitated by the military conflict during and between the two intifadas, which produced abundant supplies of dead bodies from Palestinian militants, Israeli Defense Force (IDF) soldiers, and victims of suicide bombings and military-civil emergencies.

There were a hierarchy of bodies and a confusion of motives that ranged from the banal to crimes against humanity. The abuses could be arranged along a continuum, from the stockpiling of hearts, glands, long bones, and brains (even heads) for profit, for "science," for recreation, and for power, patronage, and reputation. The stockpiling of tattoos skinned from the dead bodies of new immigrants was an act of hostility toward new immigrant refugees from former Soviet states, although linking it to a nascent form of race hatred might be going too far. A knowledgeable source from within the forensic institute pointed out that the man responsible for the tattoo collecting was himself a Russian and a Jew. The desecration of the dead bodies of Palestinian combatants is toward the far end of the continuum of medical human rights abuse: a crime against humanity.

For more than two decades, the Israeli government and Ministry of Health denied "blood libel," the accusation that the government's state pathologists harvested organs and tissues from the bodies of "enemy" combatants, terrorists, and teenage stone-throwers from the occupied territories. In August 2009, another organ-trafficking story broke—one that linked Rosenbaum's U.S.-Israel organ-brokering and money-laundering schemes with much older allegations of organ and tissue stealing from the bodies of Palestinian "terrorists" and stone-throwers following autopsy at Israel's National Forensic Institute in Abu Kabir, a neighborhood of Tel Aviv.

In a banner headline story, "Our Sons Plundered for Their Organs," in a left-leaning Swedish tabloid, *Aftonbladet*, Swedish journalist Donald Boström reopened these allegations dating back from the early 1990s to August 17, 2009. The story was a mix of organ theft accusations, seemingly far-fetched connections to the arrest in Brooklyn of an orthodox rabbi and transplant broker, and a dash of political rhetoric. The story, based on Boström's earlier research in the Occupied Territories during the first intifada, and published in his 2001 book *Inshallah* repeats the story of family members whose killed sons and husbands were harvested at the Abu Kabir Forensic Institute, where they were brought for autopsy only. Boström argues that Palestinian bodies were being harvested as the "spoils of war." The *Aftonbladet* story, instantly translated into Hebrew and English, created a firestorm of international protest that included a libel suit by antidefamation lawyers in New York City and a boycott of Swedish industries. Boström was labeled an anti-Semite, and the story he dredged up from the sewer was labeled a despicable "blood libel" against Israel and the world's Jews.

I read these news reports with mounting horror.¹ The only question that was not being raised in the avalanche of articles, editorials, and news columns published in Israel, Europe, and the United States was this: "Is the story true?" I knew the answer. I was in possession of the proverbial

smoking gun: an audio-recorded interview with the director of the National Forensic Institute, Dr. Jehuda Hiss. The interview was conducted at the Institute in July 2000, when I was in Israel investigating the growth of organized transplant tours and organs trafficking by underworld brokers in Israel. A human rights lawyer in Bethlehem asked me to investigate complaints by Palestinian families about illegal harvesting of eyes, solid organs, and skin at the National Forensic Institute. I was given the photo and files of a young man whose autopsy appeared to end in dissection.

In his interview with me, Dr. Hiss was open, energized, and brazen in defending his method of "informal" procurement of organs and tissues from the bodies of the dead brought to the institute for autopsy. He did so, he said, as a patriot and to serve the needs of his country. When he first arrived at the Institute in 1987 as chief pathologist, there was no organ or tissue harvesting—an absurdity, he called it. He instituted his own version of "presumed consent" for organs and tissue harvesting. That is, he presumed to know what was best for his country without the knowledge, backing, or consent of the victims, the Israeli population, or the law. It was justified behavior, he said, for a war-torn and traumatized country such as Israel. From his medical perspective as a state pathologist, little harm was done to dead bodies by the careful removal of skin, tissue, bone, and organs that would never be missed by the deceased and which could be hidden from the families of the dead. "We were very careful in peeling the skin," he said, "it wasn't like skinning a rabbit: We took only from the back and the back of the legs."

Special care was taken with the harvesting of Palestinians and Arab-Israelis—Christian and Muslim. Hiss explained to me without any embarrassment that his team was very careful to sew the empty eye sockets shut so the families could not see that the eye globes had been removed. When hospital pathologists were brought into Abu Kabir to assist with the organ harvesting and refused to comply, Hiss recruited plastic surgeons, and at least one was hired.

Hiss was not so much "above the law," as representing a higher law, *his law*, which he felt was supremely cool, rational, and scientifically and technically correct. The country was at war, blood was being spilled every day, soldiers were being burned, and yet Israelis refused to provide the tissues and organs needed. So, he took matters into his own hands. Although I discussed the interview with a lawyer for the Ministry of Health, I never published it. Fearing the unintended political consequences of making it public, I let the tape sit, more or less untouched, in my archives for 10 years. But after the Boström firestorm in 2009 and at the request of some Israeli colleagues who knew about the interview, I released the tape to Israeli TV journalists who used it as part of their own investigative report that aired in December 2009.

After segments of my interview with Professor Hiss were aired on the Israeli national nightly news on Channel 2 TV, government officials for the army and the Ministry of Health admitted that organs and tissues had been harvested (without consent) from dead bodies throughout the 1990s, but that the practice had ended in 2000 (the date of my interview). Dr. Hiss, however, publicly denied everything on tape, including his words to me. Today, he denies it all: the stockpiling of body parts, the perjury in autopsy reports concerning enemy combatants and Palestinian civilians, and organ harvesting. He denies everything. He says that everything was done according to the law and that all the families consented to harvest for transplantation. No organs were taken for research, and none were ever sold. However, the Segalison Committee determined that Hiss had lied to the police investigators and that he knew that the harvesting of organs and tissues without consent was illegal.

Hiss's denials were passionately rebutted at an Organs Watch Conference in Combating the Traffic in Organs in May 2011 by a former associate of Dr. Hiss at Abu Kabir Forensic Institute,

Dr. Chen Kugel, a retired military officer and a distinguished pathologist. Kugel reported that the situation was far worse than that which Hiss had told me about. Kugel worked as one of Professor Hiss's younger assistants, who, as soon as he arrived at the institute in 1999, pointed out to his superior that his behavior was deviant. Kugel dared to tell his boss that it was wrong to harvest organs and tissues without permission and that "giving false evidence in court about autopsies conducted there" was also "not okay." Kugel and three other doctors from the institute wrote a letter of complaint to the Ministry of Health, outlining the illegalities. The Ministry of Health reacted with alacrity: They fired the three residents and punished Kugel, who, as a military officer working for the IDF, could not be fired. Then the four told the entire story to the media. In other words, the story of criminal behavior at the Abu Kabir institute was an old story, long known to the population, and the false alarm about the Boström report was disingenuous. Organ theft at the Institute was a dirty, public secret, and one to be kept inside the borders of Israel.

According to Kugel, "The organs procured there were sold to anyone; anyone that wanted organs just had to pay for them." While skin, heart valves, bones, and corneas were removed and sent to hospitals to be used for transplants and other medical procedures, solid organs (hearts, brains, and livers) "were sold for research, for medical presentations, for drills (training) for medical students and surgeons." There was a low price for these organs—just \$300 for a femur, for example—and should a client want all of the organs from a body, or a full range of solid organs taken from several different bodies, that, too, could be arranged, Kugel said, for about \$2,500.

From whom were the organs taken? They were taken from everyone, from Jews and Muslims, from soldiers and from stone-throwers, from terrorists and from the victims of terrorists, from tourists, and from recent immigrants. There were only two considerations: the physical condition of the body and its organs, and the ability of the forensic team to conceal what they were doing. Some victims were not even subject to autopsy: They were simply harvested. Organs removed with the sole purpose of distributing them for use in medical research—hearts, for example—were in great demand and had to be complete. Dissection of the heart for the purpose of autopsy would render it useless for medical research. According to Kugel, any hearts that were retained (and stockpiled for sale and distribution) were removed illegally in each case. The forensic team hid the damage by placing pipes, glass eyes, broomsticks, toilet paper, and plastic skullcaps to cover the place where the solid organs or the brain was removed. The institute, Kugel said, was counting on one thing: that most Israelis do not view the body after death except once, to verify that the body is the correct one.^[17] The body is wrapped in a winding sheet, or might be wrapped in plastic sheets in preparation for the burial company to take it. In that case, the staff would warn the burial employees, who were not well educated, not to open the sheet because the body was contaminated with an infectious disease. It was more difficult to take organs from soldiers, because their bodies were supervised by the military, which was more difficult to fool. "But even so, organs were taken from soldiers," Kugel said. It was easier to take tissues and organs from the new immigrants, and, needless to say, easiest of all to take from the Palestinians. They would be going back across the border, and, "if there were any complaints coming from their families, they were the enemy and so, of course, they were lying and who would believe them?"

The motives had nothing at all to do with science. According to Kugel, the illicit harvesting was about power and immunity. In the end, the hoarding and trading in body specimens and the stockpiling of organs, long bones, sheets of skin, and solid organs turned the National Forensic Institute into a factory of bodies. It was motivated, Kugel argues, by a traditional authoritarian paternalism of the kind that says: "We know what's good for you, we can and we will decide what happens to you, the dead person doesn't know anything. We alone will decide." Chen Kugel asserted that the organ theft did not end in 1999, the time of my interview with the director of the

institute. Rather, the practice was routinized and continued through 2011, when the police finally raided the institute.

Among the dozen civil lawsuits that have been filed against Dr. Hiss, some concern the desecrated bodies of Israeli soldiers. These suits are given the greatest attention because, in Israel, the body of the soldier is at the top of a hierarchy of bodies in the nation, as in the forensic Institute. There are, as of yet, no suits from the Occupied Territories against the Institute. Perhaps the families have other concerns about the dead and their offspring that are more pressing. Among the victims are both Israeli and Palestinian soldiers, Israeli citizens who were killed in suicide bombings, and the body of an American activist from Oregon, Rachel Corrie, who was crushed to death on March 16, 2003, by an IDF Caterpillar bulldozer. She was killed while demonstrating in Gaza against the demolition of Palestinian homes when the tank plowed into her. Her body was taken to Abu Kabir and subjected to autopsy during which “body samples” and organs were taken and “misplaced” according to Dr. Hiss's testimony in court.

In 2012, government investigators and police descended on the Institute of Forensic Medicine at Abu Kabir and discovered 8,200 stockpiled body parts. Finally, the government recognized that the illicit and free-for-all harvesting had become a norm and that it was criminal, unethical, and had to be acknowledged; that families had to be compensated; and that the bones, tissues, organs, and other body parts had to be identified and returned to the victims' families. Jehuda Hiss, who was once praised and rewarded as a national hero and paid the highest federal salary in the nation, was suddenly recognized as a criminal. Finally, Hiss was forced to retire, although he kept his full pension, if not his reputation. He was forced to leave his position as director of Abu Kabir. Today, Hiss's lawyers are actively defending him in dozens of individual and collective lawsuits by Israeli families of his victims. Most are the parents of soldiers killed on duty who were subject to what Boström thought was only the plunder of the enemy. He has not, however, been prosecuted by the state for fraud, deceit, organs trafficking, violation of Israeli organ and tissue laws, or any other federal crimes. Like the complicit and corrupt Pope Benedict XVI (Scheper-Hughes, 2015) Hiss was allowed to go silently into the night with his pension, but who knows how well either of these two men are able to sleep at night.

Such was the case at Abu Kabir, the term used by Israeli people to refer to the National Institute of Forensic Medicine in the neighborhood of Abu Kabir, Tel Aviv. The elegant building housed a genetics and DNA lab on the top floor that was clean, pure, and completely segregated from the morgue in the basement. Those on the third floor did not know what crimes were being committed beneath the clean scientific labs of which they were so proud. What explains the complicity of the medical technicians and possibly even medical surgeons and pathologists? Perhaps, during the worst times of political conflict, there is a moral dispensation and even a belief that the desecration of the prisoner of war or the dead body of the enemy combatant is morally justified or even necessary. One thinks of many other similar cases, such as the behavior of U.S. soldiers in the prison at Abu Ghraeb.

The Israeli government dismissed the allegations against the Israeli Forensic Institute as anti-Semitic blood libels against the state of Israel. To this day it is a sensitive issue, and Israeli transplant surgeons and prosecutors tend to dismiss the painful history of the Institute to this day. When I began my independent investigations of the Forensic Institute on the basis of files I had been given by the lawyers at the St. Ives Institute in Bethlehem, which contained forensic files and photos of young men who had been killed during and between the two intifadas known as Abu Kabir in 2000, I was unaware that Swedish journalist Donald Boström and an independent internal whistle-blower, Dr. Chen Kugel, an Israeli forensic pathologist and a military officer, had also been working independently and behind the scenes. Boström worked with family members

of the dead in Gaza, while Kugel worked with younger pathologists at the Forensic Institute to end the criminal plunder of the dead and the stockpiling of body parts there. These “perversions” at the National Forensic Institute filled Dr. Kugel with righteous anger at human rights abuses of the dead by public officials whose obligations were to be the dead person’s final guardians. Kugel paid a heavy price for his interventions. He was forced out of his position at the National Institute and was treated as a traitor and a social leper, he told me. But, in the end, the constrained but necessary sharing of information among us resulted in a difficult and unlikely collaboration between a Swedish journalist (who was labeled an anti-Semitic blood libeler), a “militant” American anthropologist, and the Israeli Zionist pathologist and military officer.

The turnabout began in mid-December 2009, when I called Donald Boström in Sweden. He picked up the phone and heard the voice of a stranger saying, “My name is Nancy Scheper-Hughes, and your story in the Swedish newspaper is true.” “Who is this person that is speaking?” Boström asked. Boström said that when I qualified who I was and said, “I have the evidence, an hour taped interview with Dr. Jehuda Hiss admitting that he was harvesting organs, tissues, skin, long bones and other body parts that were stockpiled and sold that will play tomorrow, December 1, on Channel 2 news in Israel,” he collapsed with relief. Subsequently, Dr. Kugel and I presented a scientific paper in Vienna, and Jared Cohen invited Kugel, Boström, and myself to a Google Ideas conference on Illicit Networks.

Meanwhile, the Ministry of Health and the Israeli government concluded their own internal investigations that led to the forced retirement of Yehuda Hess and the unanticipated appointment of Dr. Chen Kugel as his successor.

One Body

“The dead body has rights and a dignity of its own,” Kugel said firmly as he took my Israeli colleague, anthropologist Meir Weiss, and my research assistant, Zvika, on a private tour of the “new” Forensic Institute and Ministry of Health, including a visit to the forensic morgue in the basement of Abu Kabir in 2013, now under his direction. “Other mistakes or bad things may happen here, as in any forensic institution,” Kugel said as he rolled out a dead body from its refrigerated cubby. “But these bodies under my care will be safe from illicit harvesting. It won’t matter if they are Jewish bodies, Muslim bodies, Christian bodies, Israeli bodies, or Palestinian bodies, foreign guest worker bodies, or Russian bodies. There is only one body here, and they are all treated in the same way.”

The body of the dead is not nothing, Kugel said. A dead body is not simply an evacuated object. Kugel often substituted the word “person” for the body of the dead and never used the words “corpse” and “cadaver.” “Dead bodies matter” could be his political slogan. The dead body was, in his view, a precious “someone” to his or her parents, siblings, partners, and other loved ones. The body had a history and a life. The dead bodies had grieving relatives. There are no hierarchies of dead persons. He said that the choice to practice forensic pathology meant that the pathologist and the dead were joined at the hip, joined at the heart, the lung, and the skin. What happened during those two decades of corruption of the morgue was a violation of the body politic. It was an evil, a term most secular Israelis reserve for the Shoah, for terrorist bombings, and for suicide attacks. Translated into secular language, the dismemberment, disarticulation, distribution, and the stockpiling of skin, bones, organs, genitals, and tissues of the dead were indeed to Dr. Kugel a crime against humanity.

The violations of the bodies and illegal extraction of organs and tissues of political prisoners, the mentally disabled, and the enemy derive from a mix of a militarized and contested interpretation

of ancient religious beliefs, corruption, indifference, greed, and the violation of civil and medical human rights. Despite our attempt to maintain a neutral position, one may be an anthropologist to the bone and still reserve the right to protest.

The allegations against ISIS may be false, based on rumors and the worst fears of what can possibly happen to the enemy-combatant. They may have even been invented by the ISIS propaganda machine. Nonetheless, the wanton harvesting of the dead bodies of the enemy is not only a war crime or a crime against humanity in which normative morality is suspended. It may signal a dangerous hour for humanity when—in the words of Jan Gross (2001) writing about the systematic butchery, torture, and burning alive of 1,600 Jewish men, women, and children in the Polish town of Jedwabne on July 10, 1941—“the devil enters history.”

Acknowledgments This paper is a longer version of a paper delivered at the 4th ELPAT Congress in Rome, April 22–25, 2016. ELPAT is the movement for Ethical, Legal and Psychosocial Aspects of Transplant. The paper draws on my article “Terrorist Necropolitics: Allegations of Organ Theft of Executed Captives by ISIS Through An Anthropological Perspective, *Harvard International Review*, July 28, 2015 (<http://hir.harvard.edu/terrorist-necropolitics-allegations-of-organ-theft-of-executed-captives-by-isis-through-an-anthropological-perspective/>).

Nancy Scheper-Hughes is the Chancellor’s Professor of Medical Anthropology at the University of California, Berkeley where she directs the doctoral program in Critical Studies in Medicine, Science, and the Body. In 1999, Scheper-Hughes co-founded Organs Watch, an anthropological medical human rights research and documentation project, with Professor Lawrence Cohen. Their goal was to map and study as field anthropologists the spread of global illicit networks of ‘transplant tourism’ involving human trafficking of persons for organ removal. Working closely on site with local medical and anthropological field assistants, investigative journalists, documentary film makers, human rights workers, police and prosecutors, Scheper-Hughes collaborated with governmental investigations and prosecutions of international trafficking schemes in several countries. She was a member of the Bellagio Task Force and the Asian Task Force on organs trafficking as well as a consultant with the WHO, the UN Office on Drugs, Crime and Human Trafficking, a member of the Istanbul Summit and co-signer of the Istanbul Declaration on Organ Trafficking and Commerce. She has written over 50 medical and scholarly chapters, articles and essays on the topic of human trafficking for organs from the living and the dead, its structures of violence and its consequences applying anthropological, theoretical, psychological, and human rights perspectives. She is the co-editor of Violence in War and Peace (Wiley- Blackwell), Commodified Bodies (Sage), of Medical Migrations (Body and Society) and most recently, on Violence at the Urban Margins (Oxford University Press). She is the recipient of several book awards and prizes.

ⁱ Like Boström, I was greeted on an Organs Watch visit to Israel in 2003 with an ugly headline and centerfold (“New Blood Libel on French TV: Israel Steals Kidneys of Orphan Children in Moldova”) in *Makor Rishon*, a right-wing tabloid. The feature story reviewed a TV documentary by French filmmaker Catherine Bentellier, “Kidneys Worth Their Weight in Gold,” that followed my research in Moldova, Turkey, and Israel. In Moldova, we interviewed people in villages that had been ravaged by human traffickers

recruiting young men to Turkey, the Ukraine, and Georgia to provide kidneys to Israeli transplant patients. The "blood libel" accusation featured medieval woodcuts and a blurry photo of me holding the hand of a Moldovan orphan in his crib, during which I described the scandal of kidney selling in Moldova and its links to child trafficking that were sometimes merged in journalistic stories (as they had been in Brazil).

References

Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Stanford University Press.

Allain, J. 2011. Trafficking of persons for the removal of organs and the admission of guilt of a South African Hospital. *Med Law Review* 19(1): 117–122.

Aliu, Fatmir. 2012. Medicus Clinic was “part of wider crime syndicate.” Interview with Nancy Scheper-Hughes. *Balkan Insight*. September 14. Retrieved at: <http://www.balkaninsight.com/en/article/medicus-clinic-was-part-of-wider-crimesyndicate/1425/6>

Ambagtsheer, F., and W. Weimar W. 2012. A criminological perspective: why prohibition of organ trade is not effective and how the Declaration of Istanbul can move forward. *Am J Transplant* 12(3): 571–575.

Ambagtsheer, F., and W. Weimar (eds) . 2016. *Trafficking in Human Beings for the Purpose of Organ Removal: Results and Recommendations*. The HOTT Project. Lengerich: Pabst Science Publishers

Caplan, Alexander and Francis Delmonico. 2015. Preventing Trafficking in Organs for Transplantation: An Important Facet of the Fight Against Human Trafficking . *Journal of Human Trafficking*: 1(1): 56-64.

Campion-Vincent, V., and N. Scheper-Hughes. 2001. On organ theft narratives. *Curr Anthropol* 42(4): 555–558.

Danovitch, G., et al. 2013. Organ trafficking and transplant tourism: the role of global professional ethical standards—the 2008 Declaration of Istanbul. *Transplant* 95(11).

Ghia, Riccardo M. 2011. Organ trafficking in Kosovo: a word with Nancy Scheper-Hughes. *Bright: Organising Media against Organised Crime*. Retrieved at: http://flarenetwork.org/report/enquiries/article/organ_trafficking_in_kosovo_a_german_connection.htm

Gross, Jan. (2001). *Neighbors: The Destruction of the Jewish Community in Jedwabne*. Princeton University Press.

Harrison, Simon. 2013. *Dark Trophies: Hunting the Enemy Body in Modern War*. Berghahn Press.

Leyden, Joel. 2010. Did the Israel Defense Forces IDF Steal Human Organs in Haiti? 2010. Israel News Agency, March 20.

Levi, Primo. 1959 (2010). *Survival at Auschwitz*. New York: Orion Press

Putz, Ulrike. Syrian Refugees Sell Organs to Survive. December 11, 2013. Spiegel online < <http://www.spiegel.de/international/world/organ-trade-thrives-among-desperate-syrian-refugees-in-lebanon-a-933228-druck.html>>

Sanchez, Ray. 2015. “United Nations investigates claim of ISIS organ theft” online <http://www.cnn.com/2015/02/18/middleeast/isis-organ-harvesting-claim/index.html>

Scheper-Hughes, Nancy. 2003a. Keeping an eye on the global traffic in human organs. *The Lancet* 361: 1645–1648.

———. 2003b. Rotten trade: millennial capitalism, human values, and global justice in organs trafficking. *J Hum Rights* 2(2): 197–226.

———. 2006. Alistair Cooke’s bones: a morality tale. *Anthropol Today* 22(6): 3–8.

———. 2008. Illegal organ trade: global justice and the traffic in human organs. In *Living Donor Organ Transplants*. Edited by Rainer Grussner and Enrico Bedeti. New York: McGraw-Hill. 106–121.

———. 2011a. The Rosenbaum kidney trafficking gang. *CounterPunch*. Fall November 30.

———. 2011b. Tati’s holiday and Joao’s safari: seeing the world through transplant tourism. *Body & Society* 17(2-3): 55–92.

———. 2013 Organ Trafficking – A Protected Crime. *Al Jazeera Magazine*, pp. 1-14, (November).

———. 2014. Human Traffic: Exposing the Brutal Organ Trade. *New Internationalist*. May Keynote (special issue).

———. 2015 The Ghosts of Montes de Oca: A Buried Subtext of the Argentine Dirty War. *The Americas*, Volume 72, Number 2, April 2015

Scheper-Hughes, N., and D. Donald Boström. 2013. The body of the enemy. *Brown J World Affairs* XIX(11): 243–262.

Scheper-Hughes, N. and L. Wacquant. (2002). *Commodifying Bodies*. London: Sage.

Staub, Ervin. 1989. *The Roots of Evil: The Origins of Genocide and Other Group Violence*. Cambridge University Press.

UN (United Nations). 2000a. *United Nations Conventions Against Transnational Organized Crime*.

———. 2000b. *Protocol*

Vukusic, Iva. 2016. Kosovo War Court Prosecutor Promises 'Fearless' Probes'. [Balkan Transitional Justice](#), September 1, 2016.