

TEHRAN -

Return-Path: vikram!tibet@bluewin.ch
Date: Wed, 01 Oct 1997 15:44:13 +0200
From: Tibet Bureau <vikram!tibet@bluewin.ch>
Subject: Briefing Paper to UN WGAD Mission to China and Tibet

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(c) For the purpose of this paragraph the term forced or compulsory labour shall not include: (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention (Emphasis added)

Forced labour of prisoners is thus permitted under the ICCPR only where the prisoner is detained as a result of a lawful court order.

The same is true under the Forced Labour Convention (No. 29). Article 2 defines forced or compulsory labour to mean any labour exacted under threat of a penalty and which is not voluntary. Article 2, paragraph 2(c) provides an exception for work exacted from any person as a consequence of a conviction in a court of law. Because prisoners in re-education through labour camps have not been convicted in a court of law, their forced labour violates the Forced Labour Convention. In addition, such prisoners are untried prisoners under the Minimum Rules (paragraph 89) and may not be required to work.

As noted above, prisoners subject to sentences of re-education through labour have not been granted the right and opportunity to a fair and impartial hearing before a judicial authority before being sentenced. Any labour required of them consequently constitutes forced or compulsory labour in violation of the ICCPR, the Forced Labour Convention and the Minimum Rules.

While the detention in any manner of persons for their political views violates international law (e.g, UDHR, Articles 18-19; ICCPR, Articles 18-19), the imposition of forced labour on such political prisoners in both re-education through labour and reform through labour camps also violates the Abolition of Forced Labour Convention (No.105). Article 1 of that Convention prohibits the use of forced labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

Food

Paragraph 20 (1) of the Minimum Rules requires that prisoners be provided with food of nutritional value adequate for health and strength. The description of food provided to prisoners in Sangyip (two meals per day of 1 or 2 buns and a bowl of soup or stew) does not appear to meet this requirement. In particular, prisoners forced to work for eight or more hours a day (there are reports of prisoners being forced to work as much as 20 hours on some days) need more food than more sedentary prisoners.

Medical care

Handwritten notes:
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Return to the United States
Date: Wed. Oct. 10, 1950
From: [illegible]
Subject: [illegible]

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(c) For the purpose of this paragraph the term forced or compulsory labour shall not include: (1) any work or service not referred to in subparagraph (b) normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention (emphasis added)

forced labour of prisoners is thus permitted under the ICCPR only where the prisoner is detained as a result of a lawful court order.

The same is true under the forced labour convention. The ICCPR Article 8 defines forced or compulsory labour to mean any labour exacted under threat of a penalty and which is not voluntary. Article 8 provides an exception for work exacted from any person as a consequence of a lawful court order. In such cases prisoners in re-education through labour camps have not been convicted in a court of law that forced labour violators. In addition, such prisoners are entitled prisoners under the Minimum Rules. The ICCPR and may not be required to work.

As noted above, prisoners subject to sentences of re-education through labour have not been granted the right and opportunity to a fair and impartial hearing before a judicial authority before being sentenced. Any labour required of them constitutes forced or compulsory labour in violation of the ICCPR. The forced labour convention and the Minimum Rules.

While the detention in any manner of persons for their political views violates international law (Art. 18 ICCPR, Art. 18 UDHR), the violation of the prohibition of forced labour in such political prisoners in both re-education through labour and through labour camps also violates the prohibition of forced labour. Article 1 of the Convention prohibits the use of forced labour as a means of political coercion or education or as a punishment for holding a particular political view or views ideologically opposed to the established political, social or economic system.

Food

(1) The minimum standard of food for prisoners provided with food of sufficient value adequate for health and vitality. The description of food provided for prisoners in paragraph 1 of the Minimum Rules states that a minimum of 2,500 calories per day of food is to be provided for each prisoner. This amount is not to be reduced in any circumstances. In addition, prisoners are to be provided with a minimum of 8 hours of rest per day. Prisoners are to be provided with a minimum of 30 minutes of outdoor exercise per day. Prisoners are to be provided with a minimum of 30 minutes of outdoor exercise per day. Prisoners are to be provided with a minimum of 30 minutes of outdoor exercise per day.

Medical services