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མང་གཙོ་བཟོ་སྐྱེ་བ་རྒྱུ་སྐྱོར་
ལྷན་ཁག་སྐབས་།

**TIBETAN
CENTRE FOR
HUMAN
RIGHTS AND
DEMOCRACY**

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September 8, 1999

Sir Nigel S, Rodley
UN Special Rapporteur on Torture
Centre for Human Rights – D 102
Palais des Nations
1211 Geneva 10

Dear Sir,

I would like to draw your attention to a second case submission on behalf of Ngawang Sangdrol who is serving a total of 21 years of imprisonment. Ngawang Sangdrol was first arrested when she was only ten years old in 1987 for participating in a demonstration and was detained for 15 days. Ngawang was originally been sentenced to three years on June 17, 1992 since then her sentence term was subsequently extended and with a third time extension in October 1998, Ngawang will be serving a total of 21 years in prison.

While in prison Ngawang was singled out for severe punishment. Ngawang's condition had deteriorated due to severe torture, she was placed in solitary confinement on two occasions. She has for long have kidney problem but she was not provided with proper medical treatment. She therefore needs immediate medical attention and request the Chinese authorities to stop mistreatment of Ngawang.

I request your high office to immediately intervene and take up the matter with the Chinese authorities and to immediately halt the mistreatment of Ngawang Sangdrol in prison.

Thank you for your time and consideration

Sincerely yours

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Field officer

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Special Rapporteur on Torture

I. Identity of the person(s) subjected to torture:

1. Second name: Sangdrol
2. First name : Ngawang
3. Other names: Rigchog
4. Sex (male, female): Female
5. Birth date or age : 22 years old
6. Nationality: Tibetan
7. Occupation: Nun
8. Identity card (if applicable): None
9. Activities (trade union, political, religious, humanitarian / solitary, press, etc):
On June 17, 1992, at the age of 15, Ngawang Sangdrol was first sentenced to three years for attempting to stage a demonstration in Lhasa along with other nuns from Garu Nunnery. She was charged of "subversive and separatist" activities. Whilst in Drapchi prison, Sangdrol's sentenced was extended by six years on charges of "spreading counter-revolutionary propaganda". Along with thirteen other nuns, she was accused of recording independence songs and poems on a tape recorder and smuggling it outside the prison. In July 1996, her sentenced was further extended by eight years for shouting "Free Tibet". In October 1998, Ngawang Sangdrol's sentence was further increased by four years due to her participation in the May 1 and 4, 1998 by the Intermediate Municipal Court of Lhasa bringing her total sentence to 21 years.

II. Circumstances surrounding torture:

10. Date and place of arrest and subsequent torture:

Ngawang Sangdrol was first arrested when she was only ten years old in 1987 for participating in a demonstration and was detained for 15 days. On August 28, 1990 at the age of 13, she again joined a demonstration led by nuns from Norbulingkha in Lhasa. She was considered too young to be tried that time and was detained for nine months without charge. Ngawang was originally sentenced to three years on 17 June 1992 and was transferred to Drapchi prison. On October 8, 1993 and Ngawang had her sentenced extended for six years for "spreading counter-revolutionary propaganda" for singing song or poem to friends or supporters. On 30 November 1995, the United Nations Working Group on Arbitrary detention ruled that the continuing detention of Ngawang Sangdrol was arbitrary. Gyaltzen Pelsang a fellow inmates who was released on February 9, 1996 and later escape to India in November 1996, reports that Ngawang on one occasion did not stand up when a Chinese officials entered her room. As punishment for failing to clean their cells, the women were sent to stand in the rain at which time Ngawang shouted "Free Tibet". Soldiers were immediately called and Ngawang and three other nuns were badly beaten. Since that time Ngawang Sangdrol has been singled out for severe punishment. Gyaltzen reports that Ngawang condition had deteriorated due to severe torture and her right leg had been seriously injured. Reports in August 1996 said that Ngawang was being held in a dark, window less confinement

cell at Drapchi prison and receiving small amounts of food only twice a day and was manifesting signs of severe mal-nourishment.

11. Identity of force (s) carrying out the initial detention and /or torture (police, intelligence services, armed forces, paramilitary, paramilitary, prison officials, other):
Ngawang was arrested by the officials of the Public Security Bureau of Lhasa city.
12. Were any persons, such as lawyer, relatives or friends permitted to see the victim during detention? If so, how long after the arrest?:
Tibetan involved in political activities were normally arrested under such circumstances that even his/her parents or relatives were not inform of his arrest. It is hard for the detainees to look for lawyers to represent him in the court under such circumstances.
13. Describe the methods of torture used:
Ngawang Sangdrol was placed in solitary confinement on two occasions in March 1996 (6months and 10 days) and after the prisoner protest in Drapchi Prison in May 1998. (detail refer section 10 above)
14. What injuries were sustained as a result of the torture:
Ngawang's prison mate, Lobsang Dolma, who spent five years in Drapchi with her, reported that she has for long a kidney problem but was allowed for treatment only in prison clinic. Ngawang's right leg had been seriously injured while in prison. (detail refer section 10 above)
15. What was believe to be the purpose of the torture?:
Ngawang was basically sentenced and tortured for holding pro-independence demonstration. In prison, as a punishment for failing to clean their cells, Ngawang and other female political prisoners were sent to stand in the rain. While they were standing in the rain Ngawang shouted "Free Tibet". Soldier were immediately called and Ngawang and three other nuns were badly beaten since that Ngawang was singled out for severe punishment.
16. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?:
Ngawang was allowed for treatment only in prison clinic.
17. Was appropriate treatment received for injuries sustained as a result of torture?:
Although Ngawang has for long Kidney problem but was allowed for treatment only in prison clinic. Despite her illness she is made to weave wool and never allowed outside to work.
18. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of torture? Were any medical reports or certificates issued? If so, what did the report reveal?:

Besides being treated in prison clinic there was no medical reports been issued stating his physical conditions. She is though, for long has kidney problem and seriously injured right leg.

19. If the victim died in custody, was an autopsy or forensic examination performed and which were the results?:

Ngawang Sangdrol is still languishing in prison, she is presently serving 21 years of imprisonment. She is due to be released in the year 2013 at the age of 36.

I. Remedial action:

20. Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political organs, etc.)? If so, what was the result?:

In China specially in the Chinese administered Tibet, recourse against arbitrary officials action is little known by the public. Majority of the Tibetans are unaware of such procedure. Moreover, Tibetans fear approaching the authorities because their links to detainees may bring more pressure on their family members. However, on behalf of victim Tibetan Centre for Human Rights and Democracy have launch a several campaign requesting for the immediate release of Ngawang Sangdrol. But neither we received any response from the Chinese nor any action have been taken.

21. **What international and domestic law that you think have violated by such actions?**

- The Chinese authorities in Tibet continue to violate the Internationally recognised human rights law standards, and Chinese domestic law. The authorities treatment of Ngawang Sangdrol contravene many international and domestic laws. What follows are some of the most disturbing violations: We believe that sentenced she received is not proportionate to the action she committed.
- *The International Covenant on Civil and Political Rights (ICCPR) which China signed on 5 October 1998:*
Article 6 of ICCPR: The Ngawang's right to life guarantee under this article was arbitrary deprived.
Article 7 of ICCPR: The Ngawang was subjected to torture, cruel, inhuman and degrading treatment or punishment in direct violation of the provision.
Article 14 of ICCPR: The Ngawang was not provided with a fair and public hearing. Ngawang was denied his right to counsel, facilities to mount his defense, and right to be presume innocent before proven guilty. Ngawang was also beaten and tortured during the trial to obtain a false confession. The ICCPR, although not ratified by China, has obtained the status of customary international law – especially the non-derogable articles six and seven. Its prohibition on torture, cruel, inhuman or degrading punishment and prolong arbitrary detention has explicitly been recognised as customary international law by the Restatement (third) The Foreign Relation law of the United States , section 702.

- *The Convention Against Torture (CAT) which China signed and ratified on 4 October 1998:*

Article 1 of CAT: Ngawang suffered severe pain or suffering, whether physical or mental, was intentionally inflicted on her for the purpose of obtaining from her or third person information or confession ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. The suffering inflicted on Ngawang was torture as defined in the Article 1 of the Convention Against Torture.

Article 2 of CAT: No Administrative or judicial measures taken to prevent Ngawang's torture. Ngawang Sangdrol was tortured in the prison cells by the prison guards.

Universal declaration of Human Rights (UDHR)

Article 5 of UDHR: Ngawang was subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 10 of UDHR: The right entitled to Ngawang for a full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against her has been denied.

Article 11 of UDHR: Ngawang's right to presume innocent until proven guilty according to law in a public trial has been denied and Art 11 (2) which provides that a heavier penalty shall not be imposed than the one that was applicable at the time the penal offence was committed has been disregarded.

V. Information concerning the author of the present report.

- Family name:
- First name: Kalsang
- Second name: Topgyal
- Relationship to victim, organisation represented, if any: Tibetan Centre for Human Rights and Democracy is responsible for promotion, observation and protection of human rights situation in Tibet and the Tibetan community. It is duty of TCHRD to report on cases of Tibetan who had suffered inhumane treatment and torture at the hand of Chinese authorities.
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