

HUMAN RIGHTS SITUATION IN TIBET

Annual Report 2007



Tibetan Centre for Human Rights and Democracy



Cover Photo : Security tightened in Drepung Monastery in Tibet

Chinese authorities in Tibet heightened security measures by restricting Tibetans from taking part in any religious activities such as customary observance of Sangsol, holding group prayer at the monasteries or any act of revelry in October 2007 in light of the US Congressional Gold Medal Award Ceremony to the Dalai Lama held in Washington DC on 17 October 2007.

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EXECUTIVE SUMMARY

The year 2007 saw repression worsen in Tibet signaling the hardening attitude of China despite holding of the sixth round of talks between Envoys of the Dalai Lama and Beijing during the year. Throughout the year, the Chinese authorities in occupied Tibet unleashed spate after spate of policy campaigns, regulations and decrees to subject Tibetans to intensified state control over their human rights and fundamental freedoms. In 2007, the Tibetan Centre for Human Rights and Democracy (TCHRD) meticulously monitored the developments and documented violations of human rights taking place in Tibet in every sphere of rights protected under international human rights law.

Cases of arbitrary arrest and detentions (65 known cases)¹ increased almost threefold compared to last year, suggesting a clear indication of the human rights situation worsening in Tibet. While new regulations in placing Tibetan Buddhism under intensified state control were thrust upon the so-called “Tibet Autonomous Region” (“TAR”), Kardze region outside of the “TAR” continues to remain the most volatile Tibetan area in terms of political developments, for several successive years now. Around half of the total 65 known cases of arbitrary arrests in 2007 were recorded from Kardze region alone². The Chinese authorities routinely resorted to arbitrary arrest, imprisonment, and torture in dealing with peaceful protests by the Tibetans, which included displaying the banned Tibetan flag, staging non-violent dem-

onstrations, possessing pictures of the Dalai Lama, and posters calling for freedom in Tibet. There are currently 119 known Tibetan political prisoners,³ of which 43 are serving terms of more than ten years⁴ and 80 are monks and nuns.⁵

The saffron revolution in Burma during 2007 gripped worldwide attention which led to the international condemnation of the ruling military junta’s bloody crackdown on the peaceful monks’ uprising. The developments in Burma which last saw popular protests of such magnitude in the late 1980s, around the same time popular uprisings also took place in Chinese-occupied Tibet, left Tibetans in awe and wishful of such a mass scale protest in Tibet although they would confront a stronger, bigger and a ruthless communist regime.

The monastic community in Tibet has for many years been in the forefront as challengers to the Chinese rule in Tibet. 70% of the total 119 known political prisoners in Tibet are monks and nuns.⁶ The authorities have long identified the monasteries and nunneries in Tibet as a “hot bed of dissent”⁷ and as a measure towards bringing the monastic community under a tight official grip, the authorities regularly conduct “patriotic re-education” and “love your country, love your religion” political campaigns in the monastic institutions.⁸ During 2007, the “patriotic education” campaign was reinvigorated in various Tibetan areas especially in Kardze region,

after nomad, Ronggye A'drak's protest in Lithang County.⁹ The testimonies provided by monks and nuns fleeing Tibet reveal the dire impact of "patriotic education" upon their lives and on the study of Tibetan Buddhism. The TCHRD reported a number of such cases in 2007.

During 2007 religious freedom in Tibet took a major setback with the introduction of two sets of regulations in subjecting Tibetan Buddhism and spiritual masters to intensified state control through legal conundrums. The regulations, "Tibet Autonomous Region Implementing Measures for the Regulations on Religious Affairs",¹⁰ and "Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism", received hostile global reactions. Instead of providing protection for religious practices, the regulations are aimed at enforcing compliance of the monastic community and other spiritual Tibetans with the government policies on monastic institutions and religious figures.¹¹ The new measures on reincarnate lamas described by the Chinese official press as 'an important move to institutionalize the management of reincarnation,' underscores the Communist Party's agenda to undermine and supplant the Tibetan religious hierarchy and weaken the authority of legitimate Tibetan religious leaders including the Dalai Lama. As a consequence of the new regulations and other policy directives, violation of the right to religion or belief escalated intensely in 2007. Tibetan Buddhism entered a dark phase wherein historical, lineage and traditional practices are now put into legal conundrums for the state to legitimize its control and thus destabilize the religion as a long-term mission.

The new laws clearly show that the Chinese leadership is bent on replaying the Cultural Revolution era (1966-1976), during which time devastating acts were committed to eradicate Tibetan Buddhism in the name of purging "old ideas". In much similarity to that era, during 2007 statues of religious im-

portance, especially those of Guru Rinpoche,¹² were destroyed in Samye Monastery,¹³ in Ngari Darchen in Purang County and in Rongpatsa Village in Kardze County,¹⁴ citing incompliance with the new religious affairs law. In a parallel development, a religious decree was issued in September 2007 demanding the reincarnate lamas seek permission from the authorities to be reborn. This proves that the Chinese leadership's mentality does not show an iota of change in its frenzy to wipe out Buddhism in Tibet amidst all the modernization, glamour and scientific progress taking place elsewhere in the People's Republic of China. In introducing these regulations, the leadership has struck at the heart of Tibetan identity and cultural heritage, which is heavily influenced by Buddhism.

The TCHRD views these new regulations as domestic legal stepping-stones to transform Tibet into an atheist region where the so-called "communist spiritual civilization" will prevail. There is now no doubt that the current attack on Tibetan Buddhism is another indication of the escalating nature of cultural genocide taking place in Tibet. While China voted in favour when the UN General Assembly adopted the Declaration on Rights of Indigenous Peoples in September 2007,¹⁵ in Tibet, Beijing has been implementing various policies, the new religious laws being the latest evidence, to wipe out Tibetan Buddhism from the land of snows.

There are strong restrictions placed on religious ceremonies in Tibet. During important days of religious significance like *Saka Dawa*,¹⁶ *Gaden Ngamchoe*¹⁷, the birthdays of the Dalai Lama and the 11th Panchen Lama, official prohibitions with stern warnings are issued. In one instance the Lhasa City Committee members prohibited children from participating in religious activities at schools during the Buddhist holy month of *Saka Dawa*.¹⁸ The children were specifically ordered to refrain from visiting monasteries and wearing sacred amulet

threads or else to face expulsion from school. In another instance, official orders were placed banning prayer ceremonies during the birth anniversary of the Dalai Lama and also prayer ceremonies coinciding with a grand prayer ceremony for the Dalai Lama being conducted in India.¹⁹ Defying orders, Tibetans from all walks of life held a grand celebration of incense burning on 19 June 2007 to mark the birth anniversary of the Dalai Lama as per the Tibetan lunar calendar, which falls on the fifth day of the fifth Tibetan month.²⁰

Despite China's continued defamation campaign against the Dalai Lama and the heightened security measures and control, joyous Tibetans inside Tibet as a mark of celebration of the US Congressional Gold Medal Award to the Dalai Lama on 17 October 2007, held incense burning ceremonies, hoisting prayer flags, bursting fire crackers and giving fresh paint to monasteries. At least eight Tibetans are known to have been arrested in incidents related with the celebrations of the Dalai Lama being granted the US Congressional Gold Medal.²¹ In Drepung Monastery, heavily armed troops in truckloads (reportedly around 3000 armed police) were deployed and the monastery sealed off for visiting pilgrims, whilst the monks inside the monastery were banned from going outside.²² The monks had earlier given fresh white wash to the exterior of a hall assigned as the residence of the Dalai Lama as a mark of their joy over the US medal.

In February 2007, Zhang Qingli, a strong ally of President Hu Jintao, was officially appointed as the Communist Party Secretary in the "TAR". He left no doubt about what to expect under his leadership when he publicly stated that the Communist Party is the 'real Buddha' for Tibetans,²³ having earlier told senior party officials in the region that they were engaged in a "fight to the death" against the Dalai Lama.²⁴ To observers and analysts, such statements highlight some of the major problems surrounding

the Chinese leadership in the Sino-Tibet issue: arrogance, thrusting of official stance, stifling in religious matters, unrealistic, and impractical steps to curb dissidence.

While the patriotic education campaign and Dalai Lama vilification campaigns were stepped up in Tibet under Zhang's leadership, political leaders of Austria, Australia, Canada, Germany, New Zealand and the United States of America met with the Dalai Lama. The meeting with the German Chancellor particularly grabbed world-wide media attention when high level meetings and trade delegations were canceled by China as "punishment" for meeting the Dalai Lama.²⁵ The German Chancellor showed immense moral integrity and strength, in maintaining her government's position of human rights concerns as a top priority, despite heavy criticism and pressure. In the contemporary world where commercial interest heavily overrides human rights concerns, for instance in North Korea, Burma, China, Iraq, Iran, Sri Lanka, Pakistan, Belarus, Sudan and Zimbabwe etc, the German Chancellor's meeting with the Dalai Lama and subsequent maintenance of position, provides a remarkably exemplary approach for states that are willing and courageous enough to improve human rights conditions in the world at large and Tibet in particular.

There are virtually no civil and political rights in Tibet and under such circumstances strong reactions by international leaders give hope and aspirations to the Tibetans who remain completely deprived of their freedom and human rights. Freedom of expression and opinion are severely curtailed in Tibet. The authorities exert self-censorship as a primary mechanism of control over the media and publications. All information dissemination has to mandatorily conform to the Chinese Communist Party Propaganda Department guidelines. After successful jamming of radio stations, the authorities have now shifted their focus to blogs, websites and video-

sharing sites, in order to control the flow of information.

Several Tibetan sites were ordered to be shut down for noncompliance with official guidelines. Tibetans in Tibet have increasingly started to use the internet to seek information or to vent their frustrations over the authorities in cyber space. On 16 October 2007, a day ahead of the US Congressional Gold Medal Award to the Dalai Lama, popular internet blogs www.tibettl.com/blog and www.tibetcm.com/blog were closed down.²⁶ Another Tibetan language site “China’s Tibetan Residential Education Network” was also closed down around July 2007 for reasons unknown.²⁷ On the other hand, foreign journalists visiting Tibet were also placed under restrictions, and harassed. Two journalists, Herald Maass, China correspondent of the German daily ‘*Franfurter Rundschau*’, and Tim Johnson, the China correspondent of ‘*McClatchy*’, were summoned separately for questioning on May 15 by Zhang Lizhong, a division director at the Foreign Ministry’s Information Department, regarding their trip to Tibet in April 2007.²⁸ The duo were accused of mistaken, false and unacceptable reporting. The authorities closed down the travel agency in Lhasa responsible for facilitating the duo’s tour in Tibet.

2007 saw a massive form of persecution in the traditional Eastern Tibet region following the protests in Lithang County in August 2007²⁹ by a Tibetan nomad and the subsequent crackdown on several identified Tibetans and others who were presumed involved. For the simple expression of his opinion in calling for the Dalai Lama’s return to Tibet and raising concern over the disappeared Panchen Lama and raising other slogans,³⁰ the Tibetan nomad, Ronggye A’drak, was sentenced to eight years’ imprisonment by the Kardze Intermediate People’s Court on 20 November 2007.³¹ In a stark irony, two other Tibetans, Adruk Lopoe and Kunkhen,

were sentenced to harsher terms by the same court, ten and nine years prison terms respectively.³² They were sentenced on charges of “colluding with foreign separatist forces to split the country” by sending “state secrets”³³ to the outside world for the alleged crime of reporting information and pictures of unrest in the area. As a clear indication of the high prevalence of arbitrary and politically motivated execution of China’s due process of law, the Court sentenced Ronggye A’drak and the others within a record three and half months.

Prior to the sentencing, authorities warned the Tibetans during their solidarity movement in support of A’drak, both verbally and also by written directives, that anyone caught speaking about the political incident in the area to the outside world would be liable to face jail terms of between three to ten years. The swift implementation of such threats was evident when the court sentenced Lopoe and Kunkhen to lengthy prison terms for the alleged crime of reporting incidents in Lithang to the outside world under the charges of leaking “state secrets” and catch-all “subversion to the state”. This development reveals the farce nature of the judiciary system of China. When it comes to Tibetans, there is zero tolerance for anyone targeted as challenging the State. The lack of independent judges and due process is seen normal, the denial of the right to defense of choice is the nature since the legal process only is to protect the Communist Party of China. Under such circumstances, the culture of impunity will reign without scrutiny.

Prior to the protest in Lithang, ‘anti-terrorist’ units of the People’s Armed Police (PAP) held drill exercises in the Tibetan region in Gansu Province, Kanlho, in the first week of July 2007.³⁴ Although the officials claimed that the exercise was carried out to counter terrorist plot to disrupt or sabotage the Olympic games in 2008, but there are strong indications that the exercise was aimed at protesting

crowds and to threaten Tibetans with force. Such military drills were repeated in other Tibetan areas in Sichuan and Qinghai Provinces sending a clear signal of intimidation to any Tibetans engaging in political activities.

China routinely charges peaceful Tibetan political activists and human rights defenders under the legislation “endangering state security”. There has been a dramatic increase in the number of people charged under the act.³⁵ With vague and wide-ranging definitions for terms like “state secret” and “endangering state security”, it is of high concern that the authorities use the act as a sweeping yardstick to eliminate all individuals engaging in political activism or those deemed as political activists suspects or human rights defenders in Tibet.

In their dealing with political activism, the Chinese authorities in Tibet do not make any exceptions for women, children, the handicapped or the elderly. This was clearly proven on 7 September 2007 when police detained about 40 students alleged to have scribbled graffiti calling for the return of the Dalai Lama and for a free Tibet on the walls of the village police station and other places in the village. Out of the 40 detained, seven students, all from nomadic families and students of Amchok Bora Village Secondary School, in Labrang County (*Ch*: Xiahe xian), Gannan/Kanlho “TAP” in Gansu Province were kept under continued detention after releasing the rest. Four of the students were reportedly tortured.³⁶

In another instance on 20 November 2007, three teenage monks of Pekar Choekorling Monastery in Driru County were brutally beaten by police following a scuffle between the monks and Chinese shopkeepers. One of the monks, Tsering Gyaltsen, was beaten particularly severely after police found him wearing a photo of the Dalai Lama around his neck. China is a State Party to the UN Convention against Torture and the UN Convention on the

Rights of the Child. In both these conventions, torture has been absolutely prohibited under any circumstances but in reality it occurs unabated in Tibet with impunity. The Chinese authorities ensure that torture continues to be deeply rooted in the detention centres and prisons in Chinese-occupied Tibet as the official tool to kill human dignity.

On 18 October 2007, the Nangpa Pass shooting incident in September 2006³⁷, which resulted in the death of a nun, was revisited. This year the target was a group of 46 fleeing Tibetans, nine people were left missing and three arrested.³⁸ Each year Tibetans flee from Tibet through the Nangpa Pass due to various reasons such as seeking education in exile, pursuing Buddhist studies, political reasons and audience with the Dalai Lama. The fleeing Tibetans knowingly undertake the treacherous journey across the Himalayas to flee from persecution in Tibet. Although a good majority safely crosses the Himalayas into Nepal, many of them perish en route either due to shooting by Chinese border security forces, falling into crevasses, of hunger or by getting lost in the mountain ranges.

Despite worldwide awareness and condemnation over the Nangpa Pass shooting incident last year, the perpetrators of the crime go unaccounted for except for reportedly one early retirement of a top Chinese general, Gen Meng Jinxi.³⁹ While the UN Special Rapporteur on Extrajudicial and Summary Killings called upon China to make public the findings of the shooting incident last year⁴⁰, the Chinese authorities have so far ignored this request.

In 2007, 2,338 Tibetans managed to safely reach the Tibetan Refugee Reception Centre in Dharamsala, North India, the seat of the Dalai Lama and the headquarters of the Central Tibetan Administration.⁴¹ As per the usual pattern, minors below 18 years of age once again accounted for around half the total number of refugees this year. With poor

education facilities in the rural areas of Tibet where about 75% of the Tibetan population reside, coupled with biased curriculum where schools do exist, and in order to prevent brainwashing of children through the various sinicization designs of China, parents risk sending their children into exile in order to receive broad based modern education, whilst preserving their Tibetan identity and religious and cultural heritage.

Livelihood of hundreds of thousands of Tibetans in rural areas was tremendously affected under the government's relocation of Tibetan herders⁴² and the compulsory "comfortable housing program" which orders rural villages to pull down old houses, mostly along the main roads, and compulsorily build new houses designed by the authorities largely at their own expense and without their consent.⁴³ The programs of these forced evictions were launched as to produce showcase "socialist villages" to the expected influx of tourists during the Olympics in Beijing. However, it has resulted in disastrous impacts on the lives of those Tibetans affected but China refuses to address the consequences.

The marginalization of Tibetans in Tibet is deteriorating each year. Chinese settlers in hundreds and thousands after taking over urban Tibetan areas are rapidly spreading in some rural areas in Tibet as well. The Qinghai-Lhasa railway line which became operational since July 2006 is greatly accelerating the Chinese population transfer into Tibet. With 1.5 million passengers riding the high-tech train in the first anniversary according to the official media, it is disturbingly evident by the sheer number as to the influx of settlers along with tourists.⁴⁴ According to Lhasa City household data collected by the Public Security Bureau, there were 250 thousand households in Lhasa prior to May 2006⁴⁵. Within a year, due to the Qinghai-Lhasa train there has been a startling increase in the number of households. It has now become 350 thousand households com-

prising of 150 thousand Tibetan households while the remaining 200 thousand those of Chinese. About half the Chinese households in Lhasa have originally come from the Chinese areas in neighbouring Sichuan Province.

With increasing number of Chinese settlers into Tibet, the Tibetan areas are rapidly transforming into Chinese towns. Fisheries, slaughterhouses, poultry farms, brothels disguised as beauty saloons or massage parlours, selling live insects on the market, etc which have never been a part of the Tibetan culture are increasingly finding their prominence in Tibetan areas. Younger generation Tibetans prefer to communicate in mandarin Chinese rather than in their native tongue to find place in a market economy and education system formatted to function predominantly in Chinese language. This proves the urgency of cultural genocide taking place on the Tibetan plateau. If the current trend continues in Tibet then in 15 years time Tibet will cease to exist as the Dalai Lama cautioned during a visit to Australia in June 2007.⁴⁶

In August 2008 the show begins in China. Beijing is all ready to stage the summer Olympics with much pomp, glamour and propaganda. The year is also designated by many as the year of opportunity for scrutiny of China for its human rights record. With consistent failure on human rights in Tibet, East Turkestan (*Ch*: Xinjiang) and Inner Mongolia, and other wide ranging human rights struggles of the Chinese in mainland and for China's political support to ruthless regimes like Sudan, North Korea, Burma and others, the year is indeed opportune to build up pressure and expose China's human rights farce to the whole world. TCHRD calls for *One World, One Dream*...let there be Human Rights in Tibet. Let there be dignity and justice for all in present-day China.

Endnotes:

- ¹ See List of Known Arrests in 2007 in the Appendices at pg.125. Details of the arrestees besides the 32 listed could not be ascertained.
- ² Ibid.
- ³ See List of Known Political Prisoners in the Appendices at pg. 120.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ See List of Known Political Prisoners in the Appendices at pg. 120.
- ⁷ "Prisoners of Tibet", Special Report, TCHRD, 2006, pp. 25. Available at http://www.tchrd.org/publications/topical_reports/prisoners_of_tibet_2006/prisoner_report.pdf.
- ⁸ "'Strike Hard' Campaign: China's crackdown on political dissidence", Special Report, TCHRD, 2004, pp. 22-38. available at http://tchrd.org/publications/topical_reports/strike_hard-2004/strike_hard-2004.pdf.
- ⁹ "China conducts massive Patriotic Education Campaign in Lihang", *Press Release, TCHRD*, 13 September 2007, available at <http://tchrd.org/press/2007/pr20070913.html>.
- ¹⁰ See chapter on Freedom of Religion for a detail analysis of the articles in the "Tibet Autonomous Region Implementing Measures for the Regulations on Religious Affairs"
- ¹¹ "TCHRD deplores China's new religious measures on reincarnation," *Press Release, TCHRD*, 1 September 2007, available at <http://tchrd.org/press/2007/pr20070901.html>. Also see "The Communist Party as Living Buddha: The Crisis Facing Tibetan Religion under Chinese Control", *International Campaign for Tibet*, 2007, available at <http://www.save-tibet.org/documents/pdfs/2007ReligionReport.pdf>.
- ¹² Guru Rinpoche or Guru Padmasambhava (Tib: *Lopon Pema Jungne*, Wylie: *padma 'byung gnas*), in Sanskrit meaning "lotus-born", is a highly revered Indian Buddhist master who brought Tantric Buddhism to Tibet in the 8th century.
- ¹³ "Colossal Guru Rinpoche's statue demolished in Tibet: China's new religious affairs regulations for "TAR" entered into force," *Press Release, TCHRD*, 4 June 2007, available at <http://tchrd.org/press/2007/ps20070604.html>.
- ¹⁴ "A Statue of Guru Rinpoche demolished and construction of another suspended in Tibet," *Press Release, TCHRD*, 9 October 2007, available at <http://tchrd.org/press/2007/pr20071009.html>.
- ¹⁵ "GENERAL ASSEMBLY ADOPTS DECLARATION ON RIGHTS OF INDIGENOUS PEOPLES", *Department of Public Information • News and Media Division • New York, United Nations*, 13 September 2007, available at <http://www.un.org/News/Press/docs/2007/ga10612.doc.htm>.
- ¹⁶ *Saka Dawa*: the 15th of the 4th month of Tibetan lunar calendar, Buddha Shakyamuni's Birth, Enlightenment and Passing away are commemorated.
- ¹⁷ *Gaden Ngamchoe*: the 25th day of the 10th month of Tibetan lunar calendar, observed to commemorate the death anniversary of Je Tsongkhapa, the founder of Gelukpa (yellow hat) school of the Tibetan Buddhism. As a mark of devotion and to mourn His death, lamps are lighted in the evening on the house roofs and verandahs of the houses and Monasteries to commemorate the occasion.
- ¹⁸ "China intensifies prohibition of religious activities in Tibet during the holy month of Saka Dawa," *Press Release, TCHRD*, 19 May 2007, available at <http://tchrd.org/press/2007/ps20070519.html>.
- ¹⁹ "Tibetans offer Tenshug to His Holiness the Dalai Lama", *Official website of the Central Tibetan Administration of His Holiness the Dalai Lama Tibet.net*, 14 March 2007, available at <http://www.tibet.net/en/flash/2007/0307/14B0307.html>.
- ²⁰ "Grand Celebration of incense burning rituals in Tibet", *Human Rights Update*, June 2007, TCHRD, available at http://www.tchrd.org/publications/hr_updates/2007/hr200706.html#incense.
- ²¹ "Forcing silence in Tibet as Dalai Lama receives US Congressional Gold Medal," *Press Release, TCHRD*, 23 October 2007, available at <http://tchrd.org/press/2007/pr20071023.html>.
- ²² "Pictures from Tibet depicting strict vigilance in Drepung Monastery by Chinese authorities in light of the US Congressional Gold Medal Award to the Dalai Lama," *Press Release, TCHRD*, 12 November 2007, available at <http://tchrd.org/press/2007/p000.html>.
- ²³ "Communists hailed as 'living Buddha' for Tibet," *Reuters*, 2 March 2007, available at <http://in.news.yahoo.com/070302/137/6crl3.html>.
- ²⁴ "Beijing pledges 'a fight to the death' with Dalai Lama", *Times Online*, 14 August 2006, available at <http://www.timesonline.co.uk/article/0,,25689-2312796,00.html>.
- ⁵ "Merkel angers China on Dalai Lama," *BBC NEWS*, 23 September 2007, available at <http://news.bbc.co.uk/2/hi/europe/7008931.stm>.
- ²⁶ "China gags Tibetan blogs and Dalai Lama news," *IANIS*, 24 October 2007, available at <http://www.thehoot.org/web/home/story.php?storyid=2758&pg=1&mod=1§ionId=12&valid=true>.
- ²⁷ "Chinese Authorities Close Tibetan Literary Web Site," *Radio Free Asia*, 10 July 2007, available at http://www.rfa.org/english/news/politics/2007/07/10/tibetan_Web/.
- ²⁸ "Two foreign reporters summoned and warned about Tibet stories Beijing games organiser asked to clarify Tibet's status in new rules for foreign journalists," *Aisa Press Release, Reporters Without Borders*, 25 May 2007, available at http://www.rsf.org/article.php3?id_article=22307.

- 29 "A Tibetan arrested in Lithang for political demonstration," *Press Release, TCHRD*, 2 August 2007, available at <http://tchrd.org/press/2007/pr20070802.html>.
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- 32 "Tibetans given harsh prison sentences for sending photos abroad", *Reporters Without Borders*, 21 November 2007, available at http://www.rsf.org/article.php3?id_article=24478.
- 33 "Ronggye A'drak and others sentenced to lengthy prison terms between three to ten years," *Press Release, TCHRD*, 20 November 2007, available at <http://tchrd.org/press/2007/pr20071120.html>.
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- 35 "New Statistics Point to Dramatic Increase in Chinese Political Arrests in 2006", *Dui Hua News, The Dui Hua Foundation*, 27 November 2007, available at <http://www.duihua.org/2007/11/new-statistics-point-to-dramatic.html>.
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Also see "Press Statement by TCHRD at the Press Club of India, New Delhi", *Press Release, TCHRD*, 23 October 2007, available at <http://tchrd.org/press/2006/ps20061023.html>.
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- 40 Ngawang C. Drakmargyapon, "UN Expert Calls China to Make Public Results of Investigation on Nangpa Killings", *Phayul.com*, 28 March 2007, available at <http://www.phayul.com/news/article.aspx?id=16096&t=1&c=1>.
- 41 As per the record from 1 January - 31 December 2007 of the Tibetan Refugee Reception Centre in Dharamsala, North India. 1,046 out of the 2,338 new arrivals from Tibet were minors below eighteen years of age.
- 42 "'No One Has the Liberty to Refuse': Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region", *Human Rights Watch*, June 2007, available at *Press Release*, <http://hrw.org/reports/2007/tibet0607/tibet0607web.pdf>.
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- 44 "Qinghai-Tibet railway marks anniversary," *Xinhua*, 1 July 2007, available at http://news.xinhuanet.com/english/2007-07/01/content_6317397.htm.
- 45 According to Information Centre for Human Rights and Democracy based in Hongkong, website <http://www.hkhkhk.com>.
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CIVIL AND POLITICAL RIGHTS

Preface:

At the end of the year 2007, the overall human rights situation in Tibet remains serious and worse than the previous year in that Tibet remains two territories in the world with the worst political rights and civil liberties according to a survey worldwide on political rights and civil liberties by an independent non-governmental organization.¹ The Chinese response to various social, economic and political problems has been crackdowns, detentions, censorship and control over information and the media. The highlight of the year were various incidents of peaceful protests in Lihang, Kardze, “Tibetan Autonomous Prefecture” (‘TAP’) following the protest by Tibetan nomad, Ronggye A’drak, during the annual Lihang horse race festival, and his subsequent arrest, detention and lengthy prison term of eight years for his peaceful exercise of fundamental freedoms. The episodes in Lihang this year clearly epitomize the steep price people inside Tibet are paying for the peaceful exercise of freedom of opinion and expression² and the sheer absence of these rights in Tibet.

As this Chapter will show, in 2007 Tibetan people continued to face hardships in the exercise of their fundamental rights and freedoms. The rise in the numbers of arrests and detentions is a clear indication of the worsening conditions inside Tibet. The Kardze region of eastern Tibet’s present-day Sichuan Province remained the plateau’s most volatile region

in terms of peaceful political protests and cases of arrest and detention that occurred there. Of the 65 known cases of arrests the TCHRD has reported this year, majority were registered from this region. From this figure, names and their origin, of 32 were able to identified.

With just a few months before the Olympic games to commence in Beijing, many in China and abroad are beginning to look ahead to assess the likely legacy of the Games for human rights in China. Although her rapidly expanding economy has shown double-digit growth in Gross Domestic Product (GDP), China’s political climate still favors repression of dissent and restrictions on fundamental freedoms. Despite the sixth round of talks between the delegation of the Dalai Lama and its Chinese counterpart in China on 29 June to 5 July 2007,³ there has been a constant smear campaign being carried out by the Chinese authorities at every opportune time to vilify the international stature that the Dalai Lama has gained over the years and in an attempt to undermine Tibetans’ loyalty to him. The Dalai Lama’s continuing charisma is seen as a uniting force for Tibetans and a potential threat to the unity of the Chinese motherland. This fear is apparent in the control measures taken by the authorities to totally undermine religious studies and activities in addition to the civil and political rights.

Throughout 2007 Chinese authorities' intolerance towards Tibetans reverence and loyalty to the Dalai Lama remained steadfast. "Patriotic education" campaigns were reinvigorated⁴ in many parts of Tibet especially in Kardze region following the protest led by Ronggye A'drak in Lithang County.⁵ The anti-Dalai Lama campaign in Kardze region and subsequent protests by monks and laypersons have led to a series of arrests and detentions leaving the entire region in the grip of fear and uncertainty.

The year also highlighted the deteriorating situation for Tibetans escaping into Nepal and their ordeals during the journey across the Himalayas. The recurrence of another Nangpala Pass shooting incident in October 2007 clearly demonstrates the lack of freedom and human rights which forced the Tibetans to undertake such a risky journey into exile over high and treacherous Himalayan passes especially in the light of the similar incident that happened last year when a teenage nun was shot dead by the border People's Armed Police (PAP). There has been marked increase in the cases of Nepalese police forcibly *refouling* Tibetan asylum seekers to the Chinese authorities. Tibetans making their journey across the high Himalayas faced threats to their lives and security from both sides of the border. Accounts of arrests, death, robbery, molestation and even rape continued to emerge as more and more refugees attempted to escape across the border by the end of the year.

The muffling of freedom of opinion and expression in Tibet and the subsequent arrest and detention of many Tibetans who exercised these fundamental human rights were the biggest highlights of China's repression of civil and political rights in 2007. The freedom of expression so gallantly pronounced in the Chinese constitution took a beating in Tibet as many Tibetans including school students in Bora High School in Amdo region of Tibet were arrested and tortured.⁶ The year was dominated by

cases of arbitrary arrest and detention of Tibetans spearheaded by Ronggye A'drak in Lithang County, Kardze "TAP."

The number of people arrested in China for "endangering state security" more than doubled last year, showing that the government is cracking down on the political crime of dissent despite pressure to improve its human rights record before the 2008 Beijing Olympics. According to the national statistics released in the annual China Law Yearbook, prosecutors approved the arrest and detention of 604 people by public security and state security police on the state security charge in 2006, compared with 296 the year before. The numbers were the highest since 2002.⁷

Violations of civil and political rights form a larger pattern of human rights abuse by the Chinese government in Tibet. Such violations are more extreme in the context of minority groups, given the increased level of sensitivity that the government ascribes to matters regarding nationalism, separatism, and state unity. This is exacerbated by the Party's tendency to label the expression of cultural or religious identity or concerns as a political issue of 'separatism'. As a consequence, Tibetans live under conditions of heightened repression and sharp restrictions on their civil and political freedoms, which further undermine their ability to live normal lives.

curtailment of freedom of opinion and expression

Freedom of expression is a fundamental human right and it is a prerequisite to the enjoyment of all other human rights. Where this right is suppressed other human rights violations follow. This right has been variously described as crucial for the freedom to develop and discuss ideas in the search for truth,

understanding, and self-fulfillment of the individual, and is necessary for effective participation in political life in society. Article 19 of the Universal Declaration of Human Rights (UDHR) proclaims: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

In Tibet, it is commonplace for Tibetans to be detained, arrested, imprisoned and tortured for exercising their right to freedom of expression and opinion, and other rights intrinsic to the freedom of thought and religion. Security forces routinely resort to arbitrary arrest, imprisonment, and torture in response to non-violent protests, including displaying the Tibetan flag or any other innocuous symbols of cultural identity, staging peaceful demonstrations, possessing photographs of the Dalai Lama, and pasting and distributing political leaflets.

According to the Tibetan Centre for Human Rights and Democracy (TCHRD) database, there are currently 119⁸ known political prisoners still languishing in the network of Prisons and detention centres administered by Chinese authorities. Of these, 43 (36.13%) are serving prison terms of 10 years or more and 80 (67.22%) prisoners out of the total are monks and nuns. The Chinese authorities continue to suppress the Tibetan people’s basic rights to freedom of speech, expression and opinion. All the Tibetan political prisoners languishing in various prisons in Tibet have been arrested solely for peaceful expression of their political views. They may have spoken the words: “long live the Dalai Lama or Dalai Lama should return to Tibet,”⁹ or they may have made a sign reading “Free Tibet;”¹⁰ such acts can result in lengthy detention and possible torture.

The event this year in Lithang County, in Kardze “TAP”, where numerous cases of arrest and detention happened following peaceful protest in the area

clearly demonstrate the intent to send message to the Tibetan people regarding the risks they run in exercising their rights to freedom of expression and opinion. There was no let up in the restrictions over the radio, Internet, investigative reporting or writing critical of the government in Tibet. The government of the People’s Republic of China (PRC) uses advanced technology, prior restraint, intimidation, detention, imprisonment and ambiguously and arbitrarily applied censorship regulations to suppress the freedom of expression and exert control over the media. The Chinese authorities continued to add layers of regulations and controls to an already sophisticated system of censorship. Controls operate at every level from Internet service providers, Internet cafés, Blog managers, to individual users. Foreign corporations have given in to government censorship demands. This has put the spotlight on the contribution of Internet companies such as Yahoo!, Microsoft and Google to China’s efforts to maintain such control and restrict fundamental freedoms. Many human rights advocates have denounced these companies for “carrying out censorship for the Chinese government.”¹¹ In assisting the Chinese administration by complying with its censorship demands, these companies are seen to be facilitating or sanctioning the government’s efforts to control the free flow of information. They thereby contravene established international norms and values and compromise their own stated principles. Broadly and vaguely defined “state secrets” offences continue to be used to prosecute journalists, editors, writers and Internet users circulating or expressing opinions critical of the government, or information that exposes the government to criticism.

restrictions on the media: Although the PRC’s

1982 Constitution guarantees citizens freedom of expression and of the press, its preamble mandates adherence to “four basic principles”— the CCP’s

leadership, socialism, dictatorship of the proletariat and Marxism-Leninism Mao Zedong thought. In practice, the PRC employs a wide range of controls that violate the right to free expression and interfere with independent media. These include severe restrictions on contact between foreign and Chinese news media that are viewed by the government as critical of the regime. An extensive censorship bureaucracy licenses all media outlets and publishing houses and must approve all books before publication.

The control the Chinese authorities maintain over their citizens' right to freedom of expression and information is continuing and pervasive. The primary mechanism of control over the news media and publishing is self-censorship. Chinese journalists, editors and publishers are expected to make the information they disseminate conform to Chinese Communist Party (CCP) Propaganda Department guidelines. Dissidents who make their opinions known to the foreign media are often subject to threats, detention, harassment, intensive surveillance or imprisonment.

restrictions on foreign journalists

The requirement to seek permission to enter the region does not seem to be the only restriction foreign media face under China's new Olympic Games openness when visiting Tibet. In addition, they could be subjected to close supervision of their interviews, which conveys almost nothing has changed for Tibet under China's new rules of openness for the foreign media, which came into effect on 1 January this year.

Philippe Massonnet of Agence France-Presse (AFP) reported that with three 'local government representatives' in constant attendance to monitor his interview at Reting Monastery, asking sensitive political and religious matters did not appear appro-

priate. All this, however, does not prevent "TAR" officials from inviting foreign media to visit and to assess the situation there. "I want to deliver my invitation to foreign reporters and let them have a look at the current Tibet,"¹² said, Losang Tsering, Secretary of the Lokha People's Political Conference Committee.

In April 2007, the publications of stories about Tibet by two correspondents of foreign dailies following their visits to Tibet led to intensification of crack-down in Tibet.¹³ Herald Maass, China correspondent of the German daily *Franfurter Rundschau*, and Tim Johnson, the China correspondent of the US newspaper chain *McClatchy*, were summoned separately on 15 May by Zhang Lizhong, a division director at the foreign ministry's information department, for questioning about their trip to Tibet in April.¹⁴ The Chinese official even warned Maass that his reporting from Tibet was a "mistake" and told Johnson that part of his articles were "false" and "unacceptable". Johnson had filed a report on how China had ordered thousands of Tibetans to relocate.

In the aftermath of the above incident, the Chinese authorities closed down the local travel agency in Lhasa, for facilitating the above two western journalists' tours in Tibet. One Tibetan was fined and those who had come in contact with the visitors were questioned.

Under the new Olympic regulations- to be effective till 17 October 2008- foreign journalists who are non-resident in China will not necessarily have to be accompanied or 'assisted' by a Chinese official when they report in China, They also no longer need to apply to provincial foreign affairs offices for permission to report in all provinces of China, but need only obtain prior consent of the organizations or individuals they want to interview.¹⁵

access denied: Internet blogs closed

In the digital era the Internet is one of the most powerful and driving forces for exercising fundamental freedom of expression. It has enormous potential to empower and educate, to cut across cultural boundaries and create global communities. Internet offers the means for any individual with access to a computer and a gateway to the Internet to participate in a free flow of information and ideas with others across the world. Yet that very potential to transcend national boundaries and impart information regardless of frontiers means that Chinese authorities also exert concerted efforts to restrict rights to privacy, freedom of expression and freedom of information on the internet.

Although the number of Internet users in Tibet is still very low as compared to the overall population of those having access to computer or Internet, the Chinese government has nonetheless sought to control its content and censor information it deems detrimental or sensitive. Despite China's rapidly expanding economy and having the second largest number of Internet users in the world, the political climate in China still favors repression of dissent and restrictions over fundamental freedoms. In fact China operates the most extensive, technologically sophisticated and broad-reaching system of internet filtering in the world.¹⁶

In China dissent is suppressed- the struggle for freedom of expression is not taking place online as governments devote increasing resources and attention to controlling access to information on the Internet and to surveillance of users. Their objective is often to prevent dissemination of information that is critical of them, as well as to track and monitor dissidents, some of whom may be subsequently imprisoned for exercising their right of freedom of expression.¹⁷ The practice of freedom of opinion and expression is often interpreted as dissent against the country.

The PRC's tight regulation of dissemination of information and systematic violation of the fundamental freedom of expression, undercut the development of the robust debate and discussion necessary for more inclusive policy making. Websites and online discussion forums or blogs are closed down by the central government, often for allegedly hosting 'separatist' content. On 16 October, a day before the Dalai Lama was due to be honoured with the Congressional Gold Medal, independent portal, www.tibettl.com/blog was closed down and soon after www.tibetcm.com and blog www.tibetcm.com/blog were also reported as closed.¹⁸ These closures are far from isolated incidents. There is widespread Internet and information censorship in China, especially in ethnic minorities' "autonomous" regions.

The website www.tibetcm.com was also shut down by Chinese authorities on July 4 this year, apparently for posting "political" content according to the site's editor.¹⁹ The site, known as "The Lamp," in Tibetan claimed some 800 registered forum users by then at the time.

Another Tibetan language site, called "China's Tibetan Residential Education Network," was also closed down at the same time, for unknown reason.²⁰ But it could have run afoul of any number of reasons under rules issued by Beijing on 1 July. Under its provisions, articles posted on website required the name of an author to appear at the end of each article. Articles on "security, unity of the nation, ethnic unrest, writings against the Constitution and unity of nationalities," entail fines in the range of 4,000-60,000 Yuan (U.S. \$526-U.S. \$7,893).²¹

In addition, the Chinese government blocks access to thousands of news Web sites and chat forums. It regularly jams Chinese, Tibetan and Uyghur-language programs of international radio stations. The authorities are also now said to be concentrating on

blogs and video-sharing sites to control flow of information.

In June of this year, authorities in “TAR” have barred the opening of any more internet cafés although rules had been in place since October 2006, while tightening restrictions on the existing ones. They are barred from doing business near schools, and face a 15-day shutdown if caught twice for allowing a minor to surf the net or caught once for allowing three or minors to surf the net at one time. The authorities said that Internet cafés caught allowing a minor to surf the net a third time or allowing eight or more minors even for the first time will lose their license.²²

In December 2007, a Tibetan language online discussion forum, with over 6200 registered members, which was hosted at www.Tibet123.com was shut down by the authorities for containing “illegal content.”²³ However, government has not given the full content of the discussion that it cited to have illegal content. A notice on the opening page says it “strongly condemns the “rotten apple in the barrel,” who published harmful information.” The Centre is greatly concerned by the actions taken by the Chinese authorities to limit the dissemination of information and to repress those individuals and groups who choose to peacefully exercise their legitimate right to express dissent.

the steep price of freedom of opinion and expression in Tibet: Ronggye A'drak and the Lithang protest

Since the beginning of 2000, Kardze remains a hotspot of peaceful political protests where a large number of Tibetans were arrested for their open

defiance in calling for freedom and demonstrating unflinching faith in their spiritual leaders. In the Chinese official news daily, Lithang was described as “China’s most remote tourist area of utter tranquility”.²⁴ But the ground reality in Lithang in 2007 has been anything but tranquil, as Tibetan anger over Chinese repressive policies boiled over, leading to major protests that began at the annual Lithang horse race festival in early August this year.

It all began on 1 August with Ronggye A'drak's (Chinese transliteration: *Rongji Azha*) protest in Lithang, Kardze prefecture “TAP” during an annual horse racing festival and his subsequent arrest after he shouted slogans calling for the Dalai Lama's return home besides raising other slogans.²⁵ He also appealed to Tibetans in the crowd to stop fighting over land, water, and the collection of *Yartsa Gunbu*,²⁶ a caterpillar fungus. Ronggye A'drak, is a 52-year-old Tibetan nomad from Youru village, Lithang County, Kardze Prefecture “TAP”, a father of eleven children and a respected person in his community.

Ronggye A'drak's call for the return of the Dalai Lama to Tibet was corroborated by a veteran Tibetan Communist leader who asserted he had sufficient evidence that a majority of Tibetans²⁷ and not minority as claimed by Qingba Puncog²⁸-(Chairman of the ‘TAR’ government) wants the Dalai Lama to return.

chinese court's ruling on A'drak's case

After more than two months of detention, Ronggye A'drak was finally brought to Kardze Intermediate People's Court on 29 October 2007 and found guilty on four counts²⁹ including: seeking to ‘split’ the country and subvert state power; instigating a large crowd of agitating Tibetans rallied; forced entry into the government compound, disrupting the law and order in Lithang; and, colluding with the “splittist Dalai Clique”. The official Chinese mouthpiece,

Xinhua, stated after the court verdict and sentence on 20 November that the actions of 52-year old Ronggye A'drak, amounted to the crime of incitement to "split the country" and led to "public besieging of government offices...because local people were not clear about the truth",³⁰ which the court said was a severe disruption of public order. These were referring to the gathering of more than a hundred Tibetans in the compound of the local police station in Lithang where he was detained after his protest.

official Chinese statement on A'drak's arrest

With disregard to such fundamental right, the official Chinese statement described Ronggye's arrest and detention 'for inciting separation of nationalities' and for being suspected of breaching the law.... The police sources said they would handle the case of Runggye Adak,³¹ whose words and deeds were meant to separate the country and harm national unity and has disrupted public order, according to law."³²

arbitrary arrests in the aftermath of local community's solidarity with Ronggye A'drak

Following Ronggye A'drak's arrest, many of his supporters in Lithang called for his release by negotiating with the county officials, but the process proved unsuccessful. In the days subsequent to A'drak's arrest, Tibetans in the area were subjected to increased security and arbitrary arrest in attempts to prevent news from reaching outside the country and to de-escalate the situation. The officials in Lithang County imposed a complete ban on discussions regarding Ronggye A'drak. Other reports cited that about 20 Tibetans, young and old, belonging to the Youru village were jailed. It said when others outside the jail staged a protest, they, numbering some

200, were also taken into custody.³³ "If anyone does talk or initiates actions in support of him, they could face jail terms of between three and ten years, depending on the extent of their involvement."³⁴

A standoff emerged between the local Tibetans, who surrounded the police station and several who pitched tents in the area, and the authorities. The Tibetans continued with their demands and the police eventually issued a deadline for the protest actions to cease.

Ronggye A'drak's outburst, which prompted these clashes between Tibetans demanding his release and public security bureau officials, has been labeled a "major political incident" by China's central government, which has ordered hundreds of local government and Communist Party officials to attend meetings to condemn it and strengthen law enforcement.³⁵

Following the arrest of Ronggye A'drak in Lithang, residents of the county are being arbitrarily arrested for showing or expressing support for Tibetan political prisoners. In yet another incident, on 19 August 2007, Lothok (Jarib Lutog) a 36-year old Tibetan nomad and a father of five children from Drakar Latse Village, Lithang County, was arbitrarily detained from a guesthouse in Chengdu, the provincial capital of Sichuan Province. The proprietor of the guesthouse was also briefly detained and released after short interrogation without giving any specific reason. The authorities have given no specific reason for the arrest of Lothok, and no particular information on his whereabouts.

On 21 August, a contingent of PSB from Lithang County and PAP descended on Youru Kharshul, the village of Ronggye A'drak, and took into custody three of his nephews, including Lithang Monastery monk Adruk Lopoe who was reportedly leading the release campaign. While two of the nephews- Adruk

Gyatso and Adruk Nyima were released after questioning,³⁶ Lopoe, who handed himself into custody to secure their release, was being singled out and held as a “splittist” force behind Ronggye A’drak’s protest.

Ronggye A’drak, who was earlier indicted by the Kardze Intermediate People’s Court on 29 October 2007 on four counts of ‘crimes’ ranging from disruption of law and order to state subversion was sentenced to eight years of imprisonment with deprivation of political rights for four years, Adruk Lopoe (‘Lubo’) was sentenced to ten years with another five years deprived of political rights after serving the prison term;³⁷ Kunkhen (“Jacmyang Goinqen”) a popular local musician, artist and teacher at Lithang Middle School was sentenced to nine years with four years’ additional deprivation of political rights³⁸ and Lothok(‘Lutog’), to three years imprisonment with two years’ deprivation of political rights respectively by the Kardze Intermediate People’s Court on 20 November 2007.³⁹

The sentencing of A’drak shows the enormous violations of civil rights faced by individuals whose “crimes” are based on the exercise of simple rights that are guaranteed under international laws. Of the four, Adruk Lopoe, who was earlier indicted by Kardze Intermediate People’s Court on 11 September,⁴⁰ received the heaviest sentence of ten years’ imprisonment on alleged charges of conspiring with foreign “separatist” groups for splitting the country and for distributing political pamphlets. The court described the contents of the pictures and disks that led to the conviction of Adruk Lopoe, Kunkhen and Lothok as “leaking intelligence” that endangers national security and interests. In Chinese criminal law, the vague concept of “intelligence” has been treated almost interchangeably with state secrets, especially in the context of disclosures to the outside world on the charge of endangering state security. In this particular case, the basis to name his alleged crime as “leaking intelligence” is not all clear. On the one hand, China is trying to exhibit a positive global image for herself through economic

muscle power while at the same time it makes great efforts to prevent news on incidents of unrest from reaching the outside world as part of a broader political culture of secrecy and to maintain political control.

In the aftermath of the arrest of Ronggye A’drak and massive public support calling for his release, the authorities beefed up security measures in Lithang and surrounding areas to intimidate his supporters. The government sent a large contingent of Public Security Bureau (PSB) and PAP (People’s Armed Police, paramilitary force created out of the People’s Liberation Army (PLA))



to restrict people's movement. The 1 August incident and the subsequent development have been labeled a "major political incident" by China's central government, which has ordered hundreds of local government and Communist Party officials to attend meetings to condemn it and strengthen law enforcement.⁴¹ On 8 August, a Tibetan crowd was broken up and dispersed by armed police and soldiers in a coordinated action. They fired tear-gas shells and hurled shock grenades into the crowd besides firing, apparently in the air, and beating, at least in one case, with metal rods.⁴² The expressions of support among Tibetans for Ronggye A'drak's statements at the horse festival led to the launch of an intense "patriotic education" campaign throughout Kardze "Tibetan Autonomous Prefecture".⁴³

According to the UDHR (articles 9, 19, 20, and ICCPR article 19, every individual has the right to publicly express his or her political opinion non violently. Further more, Article 35 of the Constitution of the PRC guarantees "*freedom of expression, of the press, of assembly, of association, of procession and of demonstration.*" Ronggye A'drak's case is clear example of China's outright clamp down on the Tibetan people freedom of opinion and expression. Freedom of expression is a fundamental human rights which is prerequisite to the enjoyment of all human rights.

Preceding the Lithang protests, "anti-terrorist" units set up by the PAP held exercises in the eastern Tibetan region in Gansu Province, Kanlho "TAP" in the first week of July 2007.⁴⁴ Although the unit was formed to counter any terrorist plot to disrupt or sabotage 2008 Olympics, eye-witness accounts indicate that the exercise was instead aimed to control and to deter by force any disturbances by protesting Tibetans. The exercise is known to have been repeated in other Tibetan areas in Sichuan, Gansu and Qinghai province. The authorities practice of conducting major military drills or launching campaigns such as "patriotic education" and "strike hard

campaign" were common methods to warn and intimidate people ahead of any major anniversaries or celebration. The authorities' paranoia about maintaining stability and averting disturbances by Tibetans propel the authorities to embark on various preemptive measures, thereby creating an atmosphere of tension by suppressing Tibetans' civil liberties.

re-appeal with the higher court

Following the Kardze Intermediate People's Court announcement of the four sentences, Adruk Lopoe, demanded an opportunity to speak against the decision. However, he was not allowed to speak and was escorted away forcibly by the police.⁴⁵ Similarly during the court sentence, Ronggye A'drak's government-appointed lawyer reportedly argued that asking for the return of the Dalai Lama to Tibet was purely a religious action, and not an act to bring down the government.⁴⁶ The families and relatives of the four accused submitted an appeal document, signed by all the members of Kharshul village to the higher people's court in Chengdu, the provincial capital of Sichuan. The relatives are known to have received an official receipt of the appeal, which meant the court was obliged to hear the case and the appellants could also seek the services of a lawyer. To date there has been no information regarding the appeal nor on the physical condition or whereabouts of the convicted civilians.

On the basis of vague, imprecise and sweeping claims such as "disrupting the social order", and "endangering national security" contained in the Chinese Criminal Procedure Law (CPL), Tibetans are arrested and detained for expressing their political and religious beliefs- or simply calling for the return of the Dalai Lama to Tibet, by sharing their religious affinity for the Dalai lama, possessing his portrait, by exhibiting the banned Tibetan national flag, or by distributing and pasting pro-independence leaflets or possessing literature obtained from exile

which is deemed “reactionary”. Since the law on “state security” is entirely vague, it provides the government room enough to interpret it the way they want and permits the authorities to prosecute anyone they dub as “troublemaker”. In the CPL, “endangering of state security” is comprised of such crimes as subversion and “splittism” (including the incitement thereof), as well as espionage and ‘illegally providing state secrets to overseas entities, and is regarded as a grave crime. Basically replacing the category of “counter-revolutionary” crime since 1997, the ‘endangering state security’ provisions are primarily aimed at suppressing political dissent in the name of protecting the ‘security and interests of the state’. Under the pretext of these vague categories, numerous human rights violations are committed.

clear and stern warning:

By giving lengthy prison sentences to each of these four persons, the spotlight was put on the integrity of the Chinese judicial court that sentenced the Tibetan nomads for peacefully exercising their basic human rights peacefully and expressing the common wishes of Tibetans inside Tibet. The sentence passed by the Kardze Intermediate people’s court is one of the swiftest spanning only about three and a half months from their detention indicating the summary and arbitrary nature of the entire judicial process. It is a matter of great concern for every Tibetan as the lengthy prison sentences under such vaguely defined charges such as “endangering state security” clearly signaled a stern warning to the people inside Tibet for the heavy price they have to pay for the peaceful exercise of rights enshrined in Chinese constitution and other fundamental human rights, which are protected by international covenants to which China is a party. It is a mode of intimidating people about passing on news about unrest or dissent to the outside world particularly in the run-up to the Beijing Olympic. Such highhanded action by the authorities does not cor-

respond well with China’s effort to showcase the country as an emerging, dynamic and modern nation to the world in the buildup to the Beijing Olympics. Such confrontational and hardline stance only spells for further dissent and unrest and does not help Chinese leaders wish for genuine stability in the region and so called establishment of a ‘harmonious society’ as coined by the president.

In the light of the prevalence of summary trials and sentencing in Chinese courts, the Centre urges Chinese authorities to give Ronggye A’drak and the others a fair re-trial with adequate legal representation and also to follow all domestic and international legal norms.

The PRC signed the International Covenant on Civil and Political Rights (ICCPR) on 5 October 1998 and despite recent promises to do so, has yet to ratify the Covenant. The ICCPR is a key human rights instrument, that provides, as a legally binding treaty, for the protection of the fundamental human rights enshrined in the Universal Declaration of Human Rights (UDHR). The PRC ratification of this covenant would be an important step in committing the PRC government to the protection of these internationally recognized rights, and to follow through on its earlier promises to fully commit to the terms of this covenant.

lack of judicial independence and due process

Few legal safeguards exist in China to ensure fair trials, and the judicial system is controlled at every level by Chinese Communist Party’s (CCP) political-legal committees that may determine the outcome of cases before the court hears evidence presented at trial. Legal scholars within China have called for an end to this widespread practice of “verdict first, trial second.” This lack of judicial independence and due process exists regardless of Article

126 of the Constitution, which states that, “courts shall, in accordance with the law exercise judicial power independently and are not subject to interference by administrative organs, public organizations, or individuals.” In reality, the Chinese judiciary system comes under three bodies in the enforcement of law: *the procuracy*,⁴⁷ the court and the police forces. In actuality all of them operate under the close control of the Communist Party and, therefore, in clear contrast with the United Nations basic principles on the independence of judiciary.⁴⁸

The status of procurator in China does not have the required independence of an “officer as authorized by the law to exercise judicial power.” Article 132 of the Constitution of PRC plainly states,

“The Supreme People’s Procuratorate is the highest procuratorial organ. The Supreme People’s Procuratorates directs the work of the local people’s procuratorates at different levels and of the special people’s procuratorates; people’s procuratorates at higher levels direct the work of those at lower levels.”

As a result of this complex hierarchical subordination of the organs of prosecution, procurators are bound by the orders of their superiors. There is a clear absence of any provision granting individual procurators independence in exercising their discretion in making decisions in pre-trial detention matters. Accordingly, procurators do not meet the criteria of “officers authorized by law to exercise judicial power per the meaning of article 9, paragraph 3, of the International Covenant on Civil and Political Rights (ICCPR).⁴⁹ This requirement is expounded in article 9, para.3, of the ICCPR⁵⁰ reflecting the generally accepted standard customary international law, irrespective of whether a State is a party to the Covenant.

Individuals accused of vaguely defined political crimes such as “endangering state security” and exchange of ‘state secrets’ with individuals, institutions or organizations based abroad are often denied the right to a fair trial and other judicial guarantees enshrined in articles 10 and 11(1) of the UDHR. Under widely accepted international law, a person detained on a criminal charge shall be promptly brought before a judge or other judicial officer authorized by law to exercise judicial power, and shall within a reasonable time be entitled to trial or release.

restriction on the right to defence

Under widely accepted international law, there is always a scope for minimum guarantee of equality, time and facilities to prepare defence. Since most Tibetans serving long prison sentences were charged with ambiguous crimes such as “endangering state security” their rights to defence are further restricted. For those charged under this crime, in the entire pre-trial phase, access to the case files by the defence counsel has been excessively restricted and the defence counsel cannot review the documents and other evidence relating to the facts of the case before the opening of the trial.⁵¹ Under article 96 of the revised CPL,⁵² the right of the accused to be represented by a counsel of his own choosing as from the first hours of detention and the right of the lawyer to meet his or her client are subject to a preliminary authorization by the authorities in charge of the investigation. During the course of the detention the lawyer may meet with the suspect but the authorities in charge of the investigation can, in view of ‘the serious nature of the crime and when it deems it necessary’, impose the presence, of police officers or other investigators assigned to the case. This provision is clearly incompatible with article 14, paragraph 3(b) of the ICCPR.⁵³ Article 14 3(b) of the ICCPR states that, “In the determination of any criminal charge against him, everyone shall be en-

titled to the following minimum guarantees, in full equality: (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; “With the political-legal committees exercising extensive control, detainees are highly unlikely to receive fair, impartial hearings that are free from official manipulation. Such practice shows that even a minimal level of legal protection is not observed in political cases in Chinese courts.

Moreover, in practice, this provision appears to give rise to numerous abuses, threats and intimidation because the notion of a “state secret” is not defined with sufficient precision and thus can be interpreted in an extensive manner.

As evidenced from the past cases of Tenzin Delek and Bangri Rinpoche or other Tibetan political prisoners, serious procedural flaws occurring in closed trials are common. Thus it is safe to assume the same has been the case with the arrest, judicial detention and trial procedures for Ronggye A'drak and the other three civilians arrested for their peaceful exercise of fundamental rights from Lithang this year. It was evident from their cases that the Chinese authorities denied their right to a public trial, right to choose their own lawyers, right to examine the evidence in advance of being presented against them in court. Further they were held incommunicado in detention and ill-treated during the pre-trial period.

prisoner releases and new restrictions on former political prisoners:

This year witnessed four known cases of the release of long serving Tibetan political prisoners from the newly operated Chushul prison (*Ch: Qushui*) and other Chinese administered prisons in Tibet.

Ngawang Phulchung, one of the key leaders of the famous peaceful pro-independence demonstration of 27 September 1987, in Lhasa, was released from Chushul Prison (*Ch: Qushui*) on



or around 21 October 2007.⁵⁴ Ngawang Phulchung, a 48 year-old monk of Drepung Monastery and prominent member of the Drepung “Group of Ten” was released after completion of an eighteen year and six months prison sentence in various Chinese administered detention centres and prisons in Tibet with a six-month sentence reduction from 19 years’ served.⁵⁵

Ngawang Phulchung was detained in April 1989 and sentenced by the Lhasa Intermediate People’s Court along with nine other Drepung monks at a public rally in November. He is the longest-serving Tibetan imprisoned for counter-revolutionary crimes. Ngawang Phulchung was convicted for “forming a counterrevolutionary organization”, “spreading counterrevolutionary propaganda”, “passing information to the enemy”, and “crossing the border illegally and spying”, according to a 1994 United Nations Working Group on Arbitrary Arrest and Detention (UNWGAD) report⁵⁶ that quoted an official Chinese response about the case. The UNWGAD report declared Ngawang Phulchung’s detention arbitrary, and stated that the alleged espionage and betrayal of state secrets “consisted in fact in the exposure of cases of violations of human rights including their disclosure abroad”. The current physical condition of Ngawang Phulchung is said to be frail and to have deteriorated over the years due to torture and the inhumane treatment he suffered in prison. Reports indicate that he is currently at home with his family in Toelung Dechen County.

Thupten Yeshe was released upon completion of his 15-year imprisonment term on 5 July 2007.⁵⁷

Thupten Yeshi was arrested on 6 July 1992 on alleged charges of being the main plotter of a demonstration by a group of four farmers during a meeting at Gyama Township, Meldrogungkar County, “TAR” earlier on 30 June 1992.



Lhundup, another farmer and friend of Thupten Yeshi, was also released on 29 June 2007 by Chinese authorities upon completion of his 15 years prison sentence from Chushul Prison.⁵⁸ Lhundup hailed from Dashang Township, Gyama County, Meldrogungkar, Lhasa Municipality, “TAR”. Lhundup while in prison regularly suffered from kidney illness and chronic headaches due to the frequent torture and beatings he received while incarcerated. In April 2005 he was shifted to Chushul Prison. At present he relies heavily on medicines and kidney treatments to stay alive and healthy.

Four farmers- Lhundup, Sonam Rinchen, Kunchok Lodroe and Sonam Dorjee carrying a huge banned Tibetan National Flag were arrested after shouting slogans during a large gathering of people’s meeting on 30 June 1992 in Meldrogungkar County. However, their friend, Thupten Yeshi, was later arrested on 6 July 1992 on charges of being the prime plotter as well as the ‘ring leader’ of the group. He was detained at Meldrogungkar County PSB Detention Centre for about 13 days. Later he was secretly transferred to Gutsa Detention Centre, in east of Lhasa, where he was detained for almost three months and suffered inhuman treatment and torture during interrogation sessions.

After a period of thorough interrogations and repeated torture in Gutsa prison, the Lhasa People’s Intermediate Court on 20 October 1992 convicted all five of them of offenses of “counter revolution-

ary plot”, and “inciting reactionary propagandas”. Thupten Yeshi, Lhundup and Sonam Rinchen were sentenced to 15 years of imprisonment and deprivation of political rights for 5 years and Sonam Dorjee and Kunchok Lodroe were sentenced to 13 years of imprisonment and deprivation of political rights for 5 years as well. On 20 November 1992, they were shifted to Drapchi Prison until their transfer to Chushul Prison in April 2005.

One of the group members, Sonam Rinchen, then in his twenties, died in 1999 while in prison, after being ill and partly paralyzed as a result of repeated torture while in prison and in detention centre. The fifth member of the group, Kunchok Lodroe, was released on medical parole in 1996 and is still reportedly in poor health. While in prison, Thupten Yeshi suffered from renal problems and other serious medical conditions that required his admission to Xizang Military Hospital (*Ch: Zongyi yuan*) near Drapchi for seventeen days for treatment. Before being fully recovered he was taken back into prison in poor physical condition. Physical as well as mental condition of Thupten Yeshi is still a matter of great concern for the TCHRD.

Lobsang Tenphen, a businessman from Lithang County, Kardze “TAP” and a close relative of Trulku Tenzin Delek was released after a five-year prison term on 26 February 2006⁵⁹ from Ngaba Prison. He was arrested on 12 February 2003 on suspicion of raising funds to arrange for the release of, and giving out information about, Trulku,⁶⁰ and was held for almost seven months without his family being informed. He is currently known to be under virtual house arrest in the Lithang County, Kardze “TAP”, Sichuan Province.

After years behind bars, almost every prisoner after their release suffers from one or the other ailment from lengthy physical and psychological torture they have undergone in the detention centre and the pris-

ons. Once outside the prison, these individuals face enormous hardship in their lives, be it getting employed or re-admitting into the monastic institution, or be constantly monitored because of the political ‘crime’ they are associated with. The PRC authorities should implement the recommendations made by the UN Special Rapporteur on Torture to eradicate torture and “to ensure torture survivors’ right to full reparation with special attention to medical and psychological needs.”

new restrictions on former political prisoners

The PRC infrequently releases political prisoners of conscience before the completion of their sentences and if it does so, it is predominantly as a result of international pressure. Those released are deprived of their rights, forced into exile, subjected to continuing police surveillance and harassment or, in some cases, are detained again for alleged violations of the restrictive conditions of parole or new ‘crimes’ of free expression.

In order to control and monitor the movement of every former political prisoner living in and around Lhasa City, the local authorities issued new directives regulating the movement of every former political prisoner in Lhasa. The former political prisoners are discriminated against in employment and face social difficulties and the psychological trauma of being cloistered and monitored. With this new measure, the authorities have only further tightened the screw on the former Tibetan political prisoners in Tibet.

Many former political prisoners need serious long-term medical attention after their release and simply can’t afford exorbitant medical expenses. Monks and nuns in particular find it difficult as they are forbidden by the terms of their parole from rejoining monasteries or nunneries under suspicion of “polluting” the minds of other monks and nuns. Par-

ticularly among those who were in monastic institutions since their childhoods, after having served long prison sentences, these monks find it very difficult to adjust to a completely new fast paced city life that has drastically changed. Where re-admission into the monastic institutions is highly improbable and many lack required skills for modern day jobs, former political prisoners particularly monks, face insurmountable challenges to lead normal lives after their release. TCHRD has recorded numerous instances of former political prisoners ending up doing petty manual jobs to make two ends meet. Apart from physical challenges, the psychological problems they faced are not limited to themselves, their families, friends and close associates are also potentially targeted. The chances of re-arrest or expulsion are highly possible ahead of any major religious or political events.

One specific example is that of Rinchen Sangpo, a writer who was detained for his critical writings on China’s policies in Tibet. He has been repeatedly harassed and subjected to restricted movement since his release from a month’s detention more than a year ago.⁶¹ He was not even able to live in his monastery in Lhasa for fear of his safety.

arbitrary arrest and detention

There is no clear definition of arbitrary detention in international law. However, the UNWGAD has defined it as detention which is contrary to the human rights provisions of the major international human rights instruments. More specifically, the Working Group⁶² has defined 3 categories of arbitrary detention:

1. When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (for example when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him.)

2. When a person is deprived of their liberty because they have exercised the rights and freedoms guaranteed in the UDHR⁶³ and the ICCPR.⁶⁴
3. When a person has been deprived of their liberty after a trial which did not comply with the standards for a fair trial set out in the UDHR and other relevant international instruments.

Arbitrary arrest or detention is prohibited by Article 9 of the ICCPR. To comply with Article 9, the state must specify in its legislation the grounds on which individuals may be deprived of their liberty and the procedures to be used in enforcing arrests and detentions. Only acts conducted in accordance with such rules are considered lawful, thus restricting the discretion of individual arresting officers. Moreover, the prohibition on arbitrariness means that the deprivation of liberty, even if provided for by law, must still be proportional to the reasons for arrest, as well as predictable. Article 9 also specifically requires that detainees be immediately informed of the reasons for their arrest and promptly be told of any charges against them, and that they be brought promptly before a judge empowered to rule upon the lawfulness of the detention.

The manner in which Chinese authorities have rounded up and detained Tibetans in Tibet must be considered arbitrary. The majority of Tibetans arrested and detained this year have been held for the peaceful and non-violent exercise of their fundamental human rights to freedom of opinion and religion. TCHRD believes that there could be others whose cases have failed to reach the outside world due to the difficult circumstances surrounding such of them. Kardze region in the traditional Kham region of Tibet (now incorporated into Sichuan Province) was the most restive region this year in terms of the number of people arrested and detained for exercising their fundamental human right of freedom of expression and opinion.

In addition to judicial convictions, PRC authorities consistently use administrative procedures to detain hundreds of thousands of Chinese and Tibetans each year for exercising their fundamental human rights. Individuals sentenced administratively by PSB officers are not charged or brought before a judge, thereby denying them access to a lawyer and the right to defend themselves. The majority of these individuals are also frequently detained either in ‘re-education through labour’ or ‘shelter and investigation’ under both, police, can detain people without trial.

cases of arbitrary arrest and detention:

In 2007, TCHRD documented 65 new known cases of arbitrary detention of Tibetans arrested for alleged political activities. As previously discussed, the case of Ronggye A'drak typified the gross violations of international human rights laws.

a) **Pempa**, around 40 year-old well known businessman and a village head from Tsakor Village, Dingri County, Shigatse Prefecture, “TAR” was arrested in June 2006 for saving lives of hundreds of animals mostly sheep and goats from abattoirs as they apparently perceived it to be a Dalai Lama inspired action and dedicating the positive karmic merit accrue from this act to the long life of the Dalai Lama during the holy month of *Saka Dawa*. The local police reportedly found from his home two CDs of the Dalai Lama's December 2005 teachings at Amravati in India. He was initially detained at Dingri and later transferred to Ngari prison in Shigatse in December 2006.⁶⁵ According to Radio Free Asia report, on 9 March 2007, the Shigatse Intermediate People's Court sentenced Pempa to three years of imprisonment for the mere possession of two CDs of Dalai Lama's teachings.⁶⁶ During his Amravati teaching, the Dalai Lama had asked Tibetans, especially those from Tibet, to abstain from clothing designed from skins of endangered wild lives. The authorities apparently connected his sav-

ing of animals from butchers to the message contained in the CDs.

b) **Buchung**, around 30 years-old and a monk of Tashilhunpo Monastery was arrested from his room in February 2006 by Shigatse Public Security Bureau (PSB) officers for the alleged crime of showing the CD of the Dalai Lama's teaching at Amravati Kalachakra to his village people.⁶⁷ Buchung is known to have detained at Shigatse Detention Centre and there is no further information on his current physical condition or whether he was tried by the local government or not."

c) A 42-year old-Tibetan woman from Jomda, Chamdo County, "TAR" was detained and another old woman in her 60s was assaulted by Chinese police, when an unusually large number of Tibetans gathered at the Bumpa Ri (Vase Hill) in Lhasa, to burn incense and offer prayer on 14 March 2007.⁶⁸ The incense-burning ritual was made to coincide with the grand long life offering ritual for the Dalai Lama's longevity performed by the Tibetan Government-in-exile and Tibetan community in exile on 14 March 2007 at the main Temple in Dharamsala, headquarters of the Government-in-exile.

d) In the aftermath of the massive "patriotic education" campaign launched by the Chinese authorities in the Lithang area since the beginning of September this year, incidents of arbitrary arrest and detention of Tibetans who openly defied and challenged the authorities for violating their rights have surfaced from the area. On 3 September 2007, **Adruk Kalgyam**, a 26 year-old Tibetan nomad from Youru Kharshul Village, was arbitrarily arrested by Lithang County PSB officers from his residence without citing any reasons.⁶⁹ He had earlier openly challenged the Chinese authorities during the 'Patriotic education' campaign at Youru Kharshul and Kayta Villages in Lithang County, Kardze "TAP," where he

shouted slogans, "May the Dalai Lama live for thousands of years and may the wishes of Apho⁷⁰ A'drak and others be fulfilled."

e) **Jamyang Tenzin**, a 33-year-old monk of Youru Geydenling Monastery and a native of Youru Sakhor Village, Lithang County, Kardze, "TAP" was arrested by local PSB officers on 3 October 2007 after he interrupted the "patriotic education" campaign at the aforementioned monastery.⁷¹ He challenged the authorities by saying,

"the Chinese government's proclamation of right to religious freedom enjoyed by the Tibetan people stands ghastly contradictory as we cannot place a portrait of His Holiness the Dalai Lama at our residence and monastery. The people of Lithang County including its nomads still continue to face livelihood problems although government boast of rapid development."

He also raised his concerns on Ronggye A'drak and other Tibetans' whereabouts following their arrest by the Chinese authorities.

f) On 15 September 2007, **Lobsang Phuntsok**, a 30-year-old monk of Lithang Monastery, was arrested following the "patriotic education" campaign at his monastery, and his friend, Kunkhen, was arbitrarily arrested by Lithang County PSB officials on 22 August for unknown reasons.⁷² Although the basis for Lobsang's arrest was unclear, according to sources, photographs of the Dalai Lama, Panchen Lama and Karmapa were forcibly removed and confiscated by the county PSB officials from his room altar where they would have been placed for religious purposes. According to another source, Lobsang Phuntsok was arbitrarily arrested on suspicion of being closely associated with the Tibetan artist Kunkhen, who was earlier arbitrarily arrested on 22 August 2007 by the Lithang County PSB officials for unknown reasons.

g) Two Tibetan women, **O'dho** and **Apha Bhomo**, both in their late 50's and residents of Othok Village, Nyagchuka County, Kardze "TAP" Sichuan Province, were arrested on 19 July 2007 by the Nyagchuka County PSB officials for the alleged "crime" of instigating people to join their call for the release of Trulku Tenzin Delek who is serving a life imprisonment sentence.⁷³ The protests were sparked after a reception ceremony at Kham Nalanda Thekchen Jangchup Choeling Monastery was interrupted by Chinese officials who objected to the placing of a portrait of Trulku Tenzin Delek onto the throne of a newly constructed assembly prayer hall (*Tib: Dhukhang*). Initially the authorities detained 10 people, releasing eight of them on 29 July. Both women were later conditionally released from Nyachuka PSB Detention Centre on 27 August after the head of Othok Village stood as surety for their release.⁷⁴

h) On the evening of 21 August 2007, a large number of Lithang PSB and PAP forces suddenly stormed into Ronggye A'drak's native village, Yonru Kharshul Village, Lithang County, Kardze "TAP", Sichuan Province and arrested three of his nephews. The forces first stomped into the house of A'drak and enquired about **Adruk Lopoe**, a monk of Lithang Monastery who had been leading the call for A'drak's release. In the absence of Adruk Lopoe, the PSB officers and PAP forces arbitrarily detained two of his brothers, **Adruk Gyatso** and **Adruk Nyima** and forcibly took them to the local PSB Detention Centre.⁷⁵ The PSB officers and PAP forces ransacked their entire house looking for any evidence with which they could be charged. Adruk Lopoe, after learning about the arrest of his two brothers, went to Lithang County PSB Office and told the officer that "I am the person you are looking for and I demand the release of my two brothers'. However, the PSB officers arrested him without complying with his demand."⁷⁶

i) **Jamyang Gyatso**, a 27-year-old monk of Bora Monastery around 10 miles south of Kanlho (*Ch: Gannan*) town in Gansu Province, was taken into custody by the police at Amdo Labrang (*Ch: Xiahe*) in Gansu province on the night of 8 January for reasons still under speculation. Plainclothes Policemen were reported to have ransacked his room at Bora Monastery from where he was forcibly taken away. A sack full of religious scriptures, CD's and other items were reportedly confiscated.⁷⁷

a few prominent cases of incommunicado detentions and lengthy sentences that continue and need urgent action

the Panchen Lama: enforced disappearance for twelve years

This year marks the 12th anniversary of the disappearance of Gedhun Choekyi Nyima, the XIth Panchen Lama of Tibet, who turned 18 this year. The complete absence of verifiable information on his whereabouts since his abduction in May 1995 is a cause of great concern. The Panchen Lama's case exemplifies the PRC's practice of enforced disappearance, which infringes upon an entire range of human rights embodied in the UDHR and set out in both international covenants on human rights as well as in other major international human rights instruments. According to the UN Declaration on the Protection of all Persons from Enforced Disappearance⁷⁸ the systematic practice of disappearance is of the nature of a crime against humanity and constitutes a violation of the right to recognition as a person before the law, the right to liberty and security of the person, and the right not to be subjected to torture; it also constitutes a grave threat to the right to life. At the same time, Chinese au-

thorities headed by President Hu Jintao continue to put forth a sophisticated campaign to legitimize the Chinese appointed Panchen Lama (Gyainchen Norbu) as a religious and patriotic figure.⁷⁹

In the last decade numerous governments, UN branches and independent organizations have pressed the authorities in Beijing to disclose the whereabouts and well being of the Panchen Lama and his family. In the latest initiative, the rights advocacy group, Amnesty International raised concerns about the whereabouts of the Panchen Lama with the Chinese government and asked the Chinese authorities to allow him freedom of movement.⁸⁰ In addition, this year during the UN Human Rights Council meeting a joint statement was made by fifteen NGOs which described the disappearance of the XIth Panchen Lama of Tibet a “continuous crime”.⁸¹

The Chinese authorities should provide verifiable information on the Panchen Lama’s whereabouts and well-being and release him and his family unconditionally. During an examination of a report on China, the President of the UN Committee on the Rights of the Child, Jacob Egbert Doek, demanded an independent verification on the well-being of Gedhun Choekyi Nyima but it has never happened. Beijing’s ambassador to the UN in Geneva, Sha Zhukhang, told the committee that the child and his family “do not wish to be disturbed by foreign visitors because that could have negative effects.”⁸²

The authorities continue to give various excuses for denying access to the Panchen Lama and his family. Last year, in response to questions submitted by Reuters, the State Council Information Office said China had not arranged meetings between the boy and foreign organizations or media out of respect for the family’s wishes not to be disturbed.⁸³ In 2006, the Working Group on Enforced and Involuntary Disappearance of the UN Commission on Human Rights stated that it “would appreciate

being provided by the Government of China with documents supporting its statement that he and his parents had appealed to the Government for protection and at present are “leading normal lives and enjoying perfect health.”

The most recent statement by the Chinese authorities concerning the fate of the Panchen Lama came from Nyima Tsering, Vice-Chairman of the “TAR” who stated in the official Chinese mouthpiece, Xinhua, “the boy chosen by the Dalai Lama as the reincarnation of the Panchen Lama, which is illegal and invalid, is living a normal life in Tibet. He is studying at a senior high school, his brothers and sisters are either studying or working.”⁸⁴ He further elaborated by saying, “the boy (referring to Gedhun Choekyi Nyima) is patriotic. He does not want his life to be disturbed. We respect his wish.”⁸⁵ It is surprising that it took it so long for the Chinese authorities to disclose if not the exact location, the existence of the Panchen Lama in Tibet. TCHRD is appalled at the Chinese government’s continued detention of the 18-year-old boy and his family for more than a decade now. It is a matter of great concern that such a prominent religious figure is denied his right to pursue traditional religious studies and training according to Tibet’s religion and culture.

Another close associate of the Panchen Lama, Chadrel Rinpoche, a former abbot of Tashilhunpo Monastery and the Chairman of the Search Committee for the reincarnation of the 10th Panchen Lama, and his assistant Champa Chungla, disappeared from Chengdu Airport in Sichuan Province on 14 May 1995. Since Chadrel Rinpoche completed six-year prison sentence, there has been no information on his whereabouts and well-being. It is believed that he is kept under house arrest. Champa Chungla continues to be held in custody even after the completion of his original four-year prison term. His physical condition is known to be very weak and frail at the moment.

Trulku Tenzin Delek:⁸⁶

Trulku Tenzin Delek (a.k.a *A ngag Tashi*), a highly respected Tibetan monk who vociferously spearheaded the activities for environmental protection, culture and preservation of Tibetan Buddhism was arrested on charges of a series of bombing incidents in 2002 in Chengdu, Sichuan Province, “TAP.” On 7 April 2002, Kardze Intermediate People’s Court in Kardze “TAP” found Trulku guilty of conducting “terrorist bombings and inciting secession activities.” It is widely believed that Trulku is framed with false allegations of involvement in bombing incidents. On 2 December 2002, Trulku was sentenced to death with two-year reprieve along with Lobsang Dhondup, a disciple of Trulku for “causing explosion” and “inciting separatism.” Both Trulku and Lobsang Dhondup refused to accept the court verdict and appealed to Sichuan Higher People’s Court to revoke their death sentence, which rejected their appeal and upheld the original verdict in the second-instance trial on 26 January 2003 and handed down the same verdict. Lobsang Dhondup was given an immediate death sentence and executed on the very day of the court’s verdict.

On 25 January 2005, the Higher People’s Court in Sichuan province, in Southwestern China, commuted the death penalty for Trulku to a life term and deprivation of political rights for life. There has been no credible information on the current whereabouts and condition of Trulku Tenzin Delek since the court verdict and it remains a matter of great concern given his poor health condition prior to his arrest and other health complications that arose during his detention.

Jigme Gyatso

Jigme Gyatso, a former monk from Gaden monastery, is originally from Kersul district in Amdo. In 1985, he came to India and sought an audience with

the Dalai Lama. Jigme stayed for a year in Drepung Gomang Monastery in South India and later returned to Tibet where he joined Gaden Monastery. On 30 March 1996, he was arrested on alleged charges of disseminating counter revolutionary propaganda, incitement, and having illegally formed the “association of Tibetan freedom movement” referring to his distribution of independence leaflets and fly-posted posters. Subsequently, he was sentenced to 15 years of imprisonment. There is currently no information on his physical or mental well-being.

Lobsang Tenzin

Lobsang was arrested for his participation in the 5 March 1988 pro-independence demonstration against Chinese rule at the Jokhang Temple in Lhasa. He was accused of involvement in the death of a People’s Armed Police officer during the demonstration. On 19 January 1989, after a summary judicial procedure, Lobsang Tenzin, was sentenced by Lhasa Intermediate People’s Court to death with a two-year suspension. As a result of international pressure, Lobsang Tenzin’s death sentence was commuted to a term of 18 years’ imprisonment in 1994. While in prison, he suffered from kidney damage and developed psychological disorders as well as other minor diseases. He was transferred to the recently operational Chushul Prison from Drapchi in 2005 where he still continues to be incarcerated.

Bangri Rinpoche

Bangri Rinpoche established Gyatso Orphanage school in Lhasa at his own expenses. In August 1999, he was arrested for his alleged involvement in attempting to explode a bomb in the Potala Square during the National Minority Games in Lhasa. The arrest of Bangri Rinpoche was followed by the authorities’ closure of the Gyatso orphanage on 17 October 1999. At the time of its closure, the orphanage housed 59 destitute children between the

ages of two months to twelve years. In May 2001, Bangri Rinpoche was sentenced to death with a two-year suspension on charges of “espionage” and “endangering state security” by the Lhasa Municipality intermediate People’s Court. On 29 May 2001, he was shifted to Drapchi prison in the north of Lhasa City and was kept in solitary confinement for more than a year. In 2003 Bangri Rinpoche’s sentence was commuted to life imprisonment. It has been reported that due to torture in prison, at present Bangri Rinpoche is unable to move his torso and has lost much of his body weight. Moreover, Rinpoche has developed an ulcer and jaundice and his overall health condition is reported to have considerably deteriorated.

practice of torture and ill treatment of prisoners still prevalent:

The torture and ill treatment of detainees and prisoners is highly prevalent in China despite her signature and ratification of the UN Convention Against Torture (CAT) in 1988. The Chinese Government has not taken effective measures to diminish the risk of prisoners being tortured or ill-treated. In many detention centers, beatings, inadequate food and poor hygiene appear to be a routine part of the process of eliciting confessions and compliance from detainees. Such treatment is applied to ordinary prisoners as well as political detainees.

Few elements of international human rights law are as unequivocal as the ban on torture. The prohibition is embodied in the UDHR and restated in Article 7 of the ICCPR, which states in Article 5: “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.” Article 15 of the Convention against Torture requires state parties to ensure that statements obtained through

torture not be used as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. Particularly in UN Convention Against Torture, requires States to prevent torture and punish those in violation of the law.⁸⁷ However, despite the UN Special Rapporteur on Torture’s visit to prisons in Tibet and prisoners a few years ago, where he found that China was in violation of a number of international treaties specifically the prisoners’ rights to counsel and to a fair trial,⁸⁸ the situation remains the same on the ground. China still fails to live up to the requirements of international treaties.

According to testimonies given by former prisoners, methods commonly used by guards include: beatings using electric batons and rubber truncheons on hands and feet; long periods in handcuffs and/or leg irons, frequently tightened to cause pain; restriction of food to starvation levels; and long periods in solitary confinement.⁸⁹

Despite continuing efforts by the UN Special Rapporteur on Torture, the International Committee of the Red Cross and other humanitarian organizations, PRC officials have not agreed to allow “open” and “unannounced visits” to prisoners.

torture of child: no safeguards against abuse of minors

TCHRD is concerned that the high incidence of torture even on the juveniles represents a violation of PRC’s international treaty obligations including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as Article 37 (a) of the United Nations Convention on the Rights of the Child. Furthermore, this represents a violation of the 1985 UN Standard Minimum Rules for the Administration of Juvenile Justice (*the Beijing Rules*);⁹⁰ and the 1990 United Nations Rules for the Protection of

Juveniles Deprived of their Liberty.⁹¹ One of the cardinal principles enshrined in the above-mentioned instruments is that juveniles should only be deprived of their liberty as a last resort and for the shortest possible period of time.⁹² The PRC authorities' failure to carry out impartial investigations into complaints of ill-treatment of children such as the Bora students by the international human rights watchdogs and to bring to justice those responsible clearly highlights authorities' unwillingness to deal with such a serious matter.

The United Nations has adopted rules that are intended to establish minimum standards "for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteract the detrimental effects of all types of detention and to foster integration in society." Furthermore, under the provisions of the UN Convention on the Rights of the Child, States parties are committed to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment,⁹³ that no child shall be deprived of his or her liberty unlawfully or arbitrarily, that every child deprived of liberty shall be treated with humanity and respect and that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance. To this end, the Committee on the Rights of the Child was established in 1991 to monitor the progress of States parties in achieving the realization of these rights. The Committee has stressed the importance of technical assistance in bridging the gap between international standards and national implementation as well as the wide dissemination of the provisions of the Convention concerning juvenile justice and the implementation of systematic training.

This year, cases of torture of juveniles were reported from Tibet. On around 7 September 2007, the police detained some 40 students alleged to have written slogans calling for the return of the Dalai Lama and

a free Tibet the previous day on the walls of the village police station and on other walls in Bora Village in Labrang County (*Ch: Xiahe xian*), Gannan/Kanlho "TAP" in Gansu Province.⁹⁴ Within 48 hours, all but seven of the students were released from police custody. School staff were also questioned. The seven students, all from nomadic families study at Amchok Bora Village Secondary School, in Labrang County.

The names of five of the detained boys of the seven who remained in custody are Lhamo Tseten, age 15; Chopa Kyab, age 15; Drolma Kyab, age 14; Tsekhu, age 14; and a second Lhamo Tseten, age 15.

The students were initially held in a police station in Amchok Bora, and allowed to see their families. However, on 10 September, plainclothes officials believed to be State Security Bureau moved them to the Labrang (*Ch: Xiahe*) Detention Centre, east of the village. Shortly before the children were moved from the village, police had reportedly refused permission for the relatives of an injured boy to take him for medical treatment.

As of the date of this publication, four schoolboys from the group of seven are still in custody and were beaten for their alleged offence of scribbling graffiti. Two 14-year old boys were sent home on around 24 September. They were allowed to leave on the condition that they remain confined to their villages, and this on the payment of a 4000 yuan (\$532) fine each by their parents. Another boy, aged 14 years, believed to be called Lhamo Tseten, was allowed to go to the hospital for treatment of severe wounds to the head received in detention centre, also after making payments to the police.⁹⁵ It was also reported that electric prods were used on the children and that Chopa Kyab, one of the children still in detention, is being taken away at night and has been severely traumatized by his treatment.⁹⁶ PSB officials are reportedly demanding payment for

the release of the remaining four boys still in custody, to the tune of more than 20,000 yuan (\$2500).⁹⁷ In most of the cases, the children have allegedly been ill-treated while in custody.

Of the 25 Tibetans detained at the time of the fatal shooting in September 2006 at the Nangpala Pass, included were at least ten young children between eight to fifteen years old. Many older teenagers and adults from the group were severely beaten with cattle prods and rubber batons while there were questioned,⁹⁸ threatened to be killed by putting guns to the head⁹⁹ and held in detention for periods ranging from several days to several months. In a complete contrast to the first-hand accounts given by Tibetan escapees received in early 2007, official statements by the Chinese authorities to concerned Western governments claimed that the children were treated well and released immediately, and that opening fire on the group of unarmed Tibetans crossing the Nangpala Pass en route into exile was part of “normal border management”.¹⁰⁰ However, the continued flow of refugees and their tales of horrific treatment, repression and discrimination stand in contrast to the authorities explanation.

On 20 November 2007, three Tibetan teenage monks -Dhondup Dorjee, 16 years old, Yeshi Thokmey, 15 years old and Tsering Gyaltsen, 14 years old of Pekar Choeckorling Monastery in Driru County, Nagchu Prefecture, “TAR”, were brutally beaten by the police following a minor scuffle between them and the Chinese shopkeepers in Driru County.¹⁰¹ Of the three, Tsering Gyaltsen received the worst beating as police found him wearing a photo of the Dalai Lama around his neck when detained and refused to denounce the exiled Tibetan spiritual leader.¹⁰² Tsering Gyaltsen, the youngest among the three, was left unattended without medical treatment. Some 50 other Tibetan nomads who were demanding their release were also known to be detained and were denied basics like bedding and

medical care and were served only one meal a day for weeks. Among the detainees were some ladies who had delivered just days ago and couldn't return to feed their infants.¹⁰³

TCHRD has documented 89 known deaths of Tibetans from torture since September 1987.¹⁰⁴ The practice of torture and ill treatment is endemic especially during the early stages of detention to Chinese practices during the interrogation phase where such methods are used to extract confessions. Physical disabilities and psychological trauma from the torture last for a lifetime causing many former detainees and prisoners to find it difficult to adapt to society.

Torture and ill treatment are highly prevalent in Tibet. The prohibition of torture is well established under international law. It is also unambiguous and absolute. It is binding on all States in all territories



A student of Amdo Jampala arrested for drawing Tibetan National Flag

under their jurisdiction or effective control. It applies in all circumstances, in times of war as well as in times of peace, nor is torture permissible when it is called by some other name: cruel and inhuman treatment is unacceptable and illegal, irrespective of the name it is given. China should honour the prohibitions and vigorously combat the customary impunity granted to perpetrators of torture throughout China. Those who conceive of or authorize any form of torture and other cruel, inhuman or degrading treatment, and those who commit such acts, should not go unpunished and nor may any State condone torture.

refugees plight, refolement¹⁰⁵ and shooting once again at Nangpala Pass

Enshrined in Article 14 of the UDHR is the right “to seek and to enjoy in other countries asylum from persecution.” The principle of asylum recognizes that victims of human rights abuses must be able to leave their country freely and to seek refuge elsewhere. Thousands of Tibetans every year escape into India via Nepal seeking asylum. As in 2006, 2007 was a problematic year for Tibetan refugees residing in Nepal, and for those seeking to escape into exile via Nepal. In 2007, the Maoists who joined the coalition government in Nepal reiterated the government’s decision not to allow the Dalai Lama’s representative office in Katmandu to reopen¹⁰⁶ since its closure in January 2005.

New refugees who come into India can be separated into two groups: those who arrive with a Chinese permit and those who have escaped and arrived without a Chinese permit. In order to obtain a Chinese permit, the applicant should be ready to shell out 5,000 to 6,000 Yuan. When applying for a permit, one has to specify the purpose of the visit such as, pilgrimage or meeting relatives. In addition, one family member has to stand as a guarantor or surety against the return for each refugee.

Many Tibetans, after reaching Katmandu, travel to India secretly without alerting the Chinese authorities, they have to return to Tibet before their permit expires. Those arriving with Chinese permit mainly come to receive blessings and religious teachings from the Dalai Lama. The other group of refugees who escape from Tibet without a Chinese permit, usually undertake their journey during the inclement winter months (November-February) to evade the attention of the border police. The most commonly used route into exile is over the rugged Himalayas and, in the past, over the Nangpala-Pass situated to the west of Mount Everest region of Nepal’s Solu Khumbu, with an average height of 5,716 meters above the sea level. Till 31 December this year, a total number of 2338 Tibetan refugees arrived in India via Nepal.¹⁰⁷ Of these 1046 comprise minors below the age of 18, i.e. 44.73%, the majority of whom seek refuge in India to receive broad based education, which is not available to, or affordable by Tibetans in Tibet.¹⁰⁸ Also they wish to lead a normal life endowed with freedom and basic rights.

Lodoe Tsering, a 16 year old nomad from Nurma Village, Machan County, Golog (Ch: *Guoluo*) “TAP” Qinghai Province spent four months at Shigatse PSB Detention Centre after his first failed attempt to escape. In an interview with the TCHRD he said,

“I was detained at Shigatse PSB Detention Centre for four months and 2 days after five policemen arrested me during my escape journey towards the border. I was interrogated for 22 days, beaten, slapped, kicked and tortured during the interrogation session. On addition, detainees are made to do hard labor inside the compound of the detention Centre. There were around 200 other Tibetans detained while trying to flee Tibet or returnees from India.”¹⁰⁹

Kalsang Tendol, a 19 year old from Yugong village, Driru County, Nagchu Prefecture, “TAR” also spent more than four months in Shigatse PSB Detention Centre and was released after she paid 3000 Yuan. Kalsang testified to the TCHRD that she was among a group of fifty Tibetans from various regions of Tibet who were caught fleeing by the Chinese security personnel near the border area of Dingri and tortured during interrogation sessions.¹¹⁰

Tibetans trying to flee the country rely completely on the ingenuity of the guides who charge a hefty amount per individual for the successful mission of making it into the Kathmandu Tibetan Reception Centre where they are well taken care of. While crossing those high mountain passes, fleeing Tibetans face hypothermia, snow blindness, hunger, frost-bite, starvation, the likelihood of falling to death and of shooting by border police patrols. Such things underscore the desperation of Tibetans who attempt to escape to preserve their religious and cultural identity, or simply to avoid the harsh realities of their vulnerable economic and political positions back home. In June 2007, the Chinese government decided to spend more on patrolling its remote border regions to put pressure on separatist groups and their activities¹¹¹ - referring to Tibetan and other minority groups who want greater religious, cultural and political freedoms.

From the high passes, the journey forward to Nepal takes several days and this puts the Tibetans at further risk of arrest, detention, imprisonment, rape, sexual harassment,¹¹² looting by bandits, and *refoulement* by the border police. The state of affairs for Tibetan refugees in Nepal, both on the journey to Nepal, and once in Nepal while in transit to or from India, is highly vulnerable and insecure, due largely to the huge Chinese influence on Nepal. Many face imprisonment in transit or in Kathmandu itself and also face imposition of fines for ‘violating’ Nepal’s immigration laws.



This year Nepal deported a 25-year-old Tibetan, Tsering Wangchen originally from Kyegudo (*Ch: Yushu*) “TAP”, Qinghai Province, to the Chinese authorities on 16 July. He had been arrested on the Friendship Bridge at the Totopani Border crossing northeast of the Nepali capital, Kathmandu.¹¹³ Tsering Wangchen was detained last year while trying to return to Tibet from India, where he had been attending a school run by the exile government.

The principle of non-refoulement prevents a country from expelling refugees to countries where their lives and liberties would be threatened and is also a standard codified in Refugee Convention.¹¹⁴ The 147 signatory state parties¹¹⁵ consistently practice *non-refoulement* in their determination whether to grant entrance to people seeking asylum. The right to seek asylum is clearly stated in article 14 of the UDHR and ICCPR and ICERD. However, refoulement of persons seeking asylum is a violation of customary international law. The principle of non-refoulement is applicable regardless of whether states are parties to the convention or not. The practice of non-refoulement by most nations, as well as the widespread international respect for the policy as a legal obligation, has rendered non-refoulement a customary international practice.

In practice, Tibetan refugees fleeing Tibet via Nepal are often detained by the Nepalese police for illegally crossing into Nepal but are usually handed over to the United Nations High Commissioner for Refugees (UNHCR), who sends them to India. Since 1989, Tibetans entering Nepal have been allowed to stay only temporarily as a “person of concern”, and they are provided with shelter, food and medical care at the Tibetan Refugee Centre operated by the UNHCR in partnership with the Lutheran World Federation since October 2005.

Although the Nepalese Government has no official refugee policy and is not a signatory to UN 1951 Convention relating to the status of Refugees and the 1967 Protocol, the deportation of Tibetans by Nepal clearly breaches the usual procedure and the “Gentlemen’s Agreement” of 1989 between the Nepali Government and the UNHCR for the safe transit of Tibetan refugees to India. Although Nepal is not a signatory to the Geneva Convention on Refugees, but is a state party to the ICCPR and to its First and Second Optional Protocols.¹¹⁶ Therefore, it is duty bound to protect and safeguard the right of the Tibetan refugees to seek refuge from persecution.

Nangpala incident revisited

Almost exactly a year after the infamous Nangpala Pass shooting incident in September 2006, On 18 October of this year, Chinese Border PAP shot three rounds of fire on a group of 49 Tibetans attempting to flee Tibet via Nangpala Pass. Three Tibetans were arrested and nine are missing.¹¹⁷ The whereabouts and condition of the nine missing people from the original 46 Tibetans still remains unknown. The arrested Tibetans are: a) Ngawang Tsultrim, a 21-year-old from Amdo Labrang, Sangchu (*Ch: Xiahe*) County, Kanlho “TAP”, b) Lobsang Thaye, a 33-year-old monk from Amdo Rebkong Monastery, Rebkong (*Ch: Tongren*) County, Malho (*Ch:*

Huangnan) “TAP”, and c) Tenzin Dorjee, a 21-year-old from Kham Bawa, Lithang County, Kardze “TAP”.

After the Nangpala Pass incident in September last year, the Chinese authorities beefed up security measures and restrictions on the Nepalese frontier to monitor the Tibetan escapees. The “TAR” Public Security Bureau (PSB) convened a special meeting in December 2006, which called for a stricter monitoring and vigilance on “fleeing individuals” (*Ch: toudu*) and launched the “Strike Hard” Campaign beginning January 2007 for six months. According to a Xinhua report, dated 4 June 2007, a video conference was convened by the “TAR” Head PSB department among various Prefecture PSB departments, on 5 May 2007 in Lhasa City, to review the overall results of the “Strike Hard” campaign, launched in the border areas through which Tibetan refugees escape.¹¹⁸ Individual officers and concerned departments who had been successful in cracking down were rewarded with accolades.¹¹⁹ In addition to the UDHR, the ICCPR and Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹²⁰ clearly stipulates that all people have the right to leave any country and the right to seek asylum in another country,¹²¹ yet the Chinese government considers crossing a border without a permit a criminal act, punishable by up to one year in prison. According to Chinese Criminal Law, Tibetans who cross the border illegally violate Article 322¹²² and are subjected to imprisonment for “secretly crossing the national boundary.” The Chinese Foreign Ministry spokesman, who had earlier promised to investigate the shooting incident from September 2006 told the press in a briefing that escaping Tibetans are part of an organized, large-scale, illegal migration scheme and face punishment.¹²³

The UN Special Rapporteur on Extrajudicial Summary or Arbitrary Executions, of the UN Human Rights Council, has asked China to make public

the results of its investigation into the Nangpala Pass killing of Tibetans and its compliance with the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly resolution 34/169 (1979), which succinctly stresses the limited role for lethal force in all enforcement operations.¹²⁴ The UN Special Rapporteur also called upon China to ensure that the Nangpala Pass killings are “promptly, independently and thoroughly investigated in accordance with the United Nations Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Execution.”¹²⁵ The Chinese authorities have thus far not made public disclosure of any investigation they may have done into the Nangpala Pass shooting incident. Although, General Meng Jinxi, a member of the Communist Party Central Committee and a top Chinese general in Tibet, was criticized over the Nangpala Pass shooting incident and was even known to have been forced to step down despite being three years younger than the usual cutoff age of 65.¹²⁶

However, at the time of the Nangpala Pass shooting on 18 October of this year, the Chinese Foreign Ministry Spokesman was quick to refute the incident¹²⁷ although, the people who managed to reach the Tibetan Reception Centre testified that the border PAP actually shot on the group.¹²⁸

It is still a loud statement on the conditions of Tibetans’ lives inside Tibet that thousands of Tibetans continue every year risk escaping into exile despite the realities of death, shooting, starvation, separation, arrest, detention and the beefing up of border patrols to stop the flight of Tibetans. No matter how hard the authorities strive to halt the flow of people escaping Tibet, the trend will continue unless and until there is a marked improvement in education facilities, more freedom of religion, and better human rights conditions overall, devoid of the repression and discrimination that is common today in Tibet.

While the frequent arrest of Tibetans who attempt to go to India via Nepal violates international laws protecting the right to freedom of movement, and in some cases the right to seek asylum from persecution, the Nangpala Pass incident demonstrates the gross extent of China’s willingness to violate internationally protected human rights in its efforts to prevent Tibetans from escaping Chinese repression.

celebration amid restrictions as US Congress confers its highest civilian award to the Dalai Lama

The US Congressional Gold Medal, the highest civilian award in the US, which requires at least two-thirds majority approval in the Senate and House of Representatives for its presentation,¹²⁹ was awarded to the Dalai Lama on 17 October 2007 in the face of repeated protests from Beijing, as “a blatant interference with China’s internal affairs”¹³⁰ and a move that has “gravely undermined the relationship between China and the US.”¹³¹ On 18 October, China’s Foreign Ministry summoned US Ambassador Clark T Randt to officially lodge a strong protest and to bluntly reject President Bush’s advice for China to welcome the Dalai Lama.¹³²

However, Tibetans celebrated the award of the Congressional Gold Medal to the Dalai Lama in Tibet despite authorities stringent pre-emptive orders and measures to ban all real, apparent or symbolic celebrations. The “TAR” Governor Qiangba Puncog said that the Gold Medal award would not affect stability in Tibet. However, stability had been ensured by the Chinese government with the imposition of new security measures, heightened vigilance, and the authorities resorting to the arrest and detention of Tibetans during and after the Gold Medal ceremony.

The Chinese authorities of Lhasa City on 15 October issued an official notice prohibiting students and Tibetan employees in the government, throughout the week, from taking leave from their schools, or attending any celebratory or religious ceremonies, including visiting any monasteries or participating in the customary *Sangsol* (incense burning ceremony that involve offering *tsampa*¹³³ in the air for success and good fortune) at the risk of facing expulsion from school, salary cuts and even termination from their job.¹³⁴ Moreover, the regulations and controls already existing over monasteries in the surrounding areas of Lhasa City were intensified. On 14 October many elderly and retired Tibetan employees, who usually gather outside the famous Ramoche temple in Lhasa city to offer Mani prayer, were ordered to terminate the prayer session and vacate the place immediately for an indefinite period.¹³⁵

Without any reason, officers in Lhasa's PSB rounded up many former political prisoners residing in and around Lhasa at the Local Police station for questioning. They were even ordered to refrain from participating in any activities. These prisoners are commonly forced to sign a surety letter that they will not conduct any political activities, and their family members must act as guarantors. Since 25 September, the number of PAP and PSB officials were also increased significantly to deal with any untoward incident. Moreover, restrictions and vigilance were also stepped up in offices, schools, homes of ex-political prisoners and people whom the government deemed suspicious or usually held suspicious.

In the light of protests by the Tibetan people in Kardze region, particularly in Lithang County, the Chinese authorities beefed up security measures and vigorously carried out "patriotic education" campaigns across all the monastic institutions and in villages.¹³⁶ Lithang Monastery, Dargye Monastery and Tongkhor Monastery in Kardze County "TAP"

were known to have been targeted prior to and during the US award to the Dalai Lama on 17 October as people in the region conducted a long-life prayer ceremony for him.¹³⁷ In a similar incident, a monk and four laypersons were arrested while celebrating the US Congressional Gold Medal award to the Dalai Lama in Amdo Labrang Tashikyil Monastery in Sangchu County, Kanlho "TAP," Gansu Province. The five persons were arrested following offering of *Sangsol* Prayer and bursting firecrackers in celebration. There were also reports of two Tibetans having been arrested from Othok Village, Lithang County, Kardze "TAP" on 17 October following the hoisting of prayer flags and for offering *Sangsol* prayer for the Dalai Lama.¹³⁸ Other sources have cited detention of three monks and the questioning of more than a dozen others after the monks tried to put up prayer flags celebrating the award.¹³⁹

One of the major monasteries in Lhasa, Drepung, was sealed off and surrounded by thousands of armed troops after police stopped an attempt by monks to peacefully mark the honor to the Dalai Lama. In addition, strict checking was done to restrict people's movements at the road leading from west of Lhasa towards Lhasa city. Similar bans and restrictions were imposed at the Nechung Monastery located below the Drepung Monastery and at the Sera Monastery situated north of Lhasa City, from carrying out any religious or celebratory activities.¹⁴⁰ Labrang was also surrounded with troops and according to eyewitness reports, police clashed with monks and lay people and there may have been some injuries.¹⁴¹

The day before the ceremony, PAP troops moved in to stop dozens of Drepung monks who were whitewashing the Gaden Podrang at the monastery, the former residence of the Dalai Lamas, in symbolic celebration of the Congressional Gold Medal award. On the morning of 17 October, when the monks resumed painting auspicious symbols inside

the Drepung Monastery, the PAP officers moved in to stop the monks, resulting in violent scuffles between the monks and the officers which left one monk with injured head.¹⁴² The photographic evidence that TCHRD obtained, clearly demonstrates a large number of armed troops stationed outside the monastery, preventing monks and pilgrims from entering or leaving.¹⁴³ There were reports of arrest of monks from Drepung Monastery on 17 October.

There were even reports of internet bars being closed in some areas, and two well-known Tibetan websites, focusing on Tibetan language and literature, were closed down—one of them on the day the 17th Party Congress opened in Beijing on 15 October. There was a report that satellite receivers in Amdo region may have been confiscated¹⁴⁴ during that week to attempt to prevent viewing of the live telecast of the Ceremony broadcast by the Voice of America news service.

Chinese authorities were vitriolic and unrelenting in their criticism of the award ceremony to the Dalai Lama, which continued over many days. The official media carried a number of reports condemning the Bush-Dalai Lama meeting, the award and the Dalai Lama personally. Another party mouthpiece, the *People's Daily Online*, 18 October carried a lengthy official remark on the Gold Medal award by “a senior official with the Foreign Affairs Committee of the National People's Congress (NPC) of China.”¹⁴⁵ It even went to the length of accusing the US of providing the Dalai Lama “a forum to distort the reality and carry out activities aimed at splitting China.”¹⁴⁶

The “TAR” Party Secretary, Zhang Qingli, who in early 2007 called the Communist Party of China the true “living Buddha” to the Tibetan people,¹⁴⁷ spoke in his “furious best”. “We are furious,”¹⁴⁸ he was quoted as saying “If the Dalai Lama

can receive such an award, there must be no justice or good people in the world.”¹⁴⁹ In an apparent official retaliation against the U.S. for its award to the Dalai Lama, it was suspected that US internet search engines operating in China were being hijacked and directed to Chinese owned Baidu.¹⁵⁰ The report cited analysts at Search Engine Roundtable, a website focusing on Internet searches, as saying Chinese users trying to search in Google, Yahoo and Microsoft websites were being directed to the Chinese search engine. TechCrunch analyst Duncan Riley has cited this as an instance of China using its Internet firewall as an economic tool as opposed to a censorship tool alone.¹⁵¹

Since the beginning of this year, the Chinese government has produced a new DVD documentary in a continuation of its vicious propaganda attacks on the Dalai Lama and what it claims he represents.¹⁵² The 25-minute, *Tibet in the Past*, depicts what is claimed to be life in Tibet between 1951 and 1959 and is made by the Central News Documentary Film Studio. The film is also reported to be designed to “educate” Tibetan youths about the “dark era” under the feudal system practiced during the reign of the Dalai Lama till 1959.

In a nutshell, China's heightened vigilance and strict measures before and subsequent to the conferment of the US highest civilian award to the Dalai Lama this year violated the fundamental human rights of Tibetans in Tibet. The authorities' overriding paranoia about maintaining stability in the region, in addition to winning the loyalty of the people, caused them to resort to various precautionary measures including heightened vigilance (increased troops), closer supervision of suspected individuals and former political prisoners, including arbitrary arrest and detention. All these methods have created an atmosphere of fear in different parts of Tibet and a frequent way to serious violations of Tibetan people's fundamental human rights in the name of main-

taining stability and security by the Chinese authorities.

hardened political policy along ethnic lines: China's ethnic minority law in question

The PRC Constitution also lays out the basic structure of regional autonomous regimes for ethnic minorities, including guarantees for minorities' political representation in the government and People's Congress.¹⁵³ Article 117-119 of the Constitution provide autonomous governments authority over a variety of areas including culture, economic development, education, finance, public health, and science. However, the picture coming out of Tibet clearly depicts that ethnic Tibetans are excluded and discriminated against by authorities and they are bound by the condition—mostly on the trust it has earned from the central government in terms of their compliance with state policy.

Despite China's formal guarantees of self-governance and protection of its minorities, various ethnic minorities continue to face forced political under-representation, discrimination and economic disadvantages. The appointment of communist hardliner-Zhang Qingli to the Party Secretary on 26 May 2006 heralded a renewed determination of the Beijing authorities to tighten its hold on the region. He has repeatedly declared that the Party is engaged in a "fight to the death struggle" against the Dalai Lama and his supporters. Although Tibetans being a minority are represented significantly large at the local legislature, and to a certain extent at the national level legislature, their influence on policy is negligible, as they do not participate in the structure of the Chinese Communist Party, where the power lies. Particularly the Tibetan representation in the Lhasa Communist Party Committee has been dwindling

over the years, from the high of 80 percent and 55 percent in 1986 and 1997 respectively, to last year's historical low of 26 percent.¹⁵⁴ This diminishing pace of representation clearly demonstrates the fundamental compromises being made to the Tibetans' right to participate in the most powerful institution i.e. Communist Party Committee.¹⁵⁵

Since July 2007, county level Communist Party secretaries from 54 of the TAR's 74 counties have been fired and replaced by cadres from elsewhere in China.¹⁵⁶ "China currently has very little trust in its ethnic Tibetan cadres and Tibet Party Secretary Zhang Qingli recently criticized them again for not being firm enough in the campaign to "expose and criticize the Dalai Lama."¹⁵⁷ It was also learnt that China is increasing the numbers of non-ethnic Tibetan government personnel throughout Tibet by appointing 853 volunteers from 17 Chinese provinces and cities to act as government cadres for three years. Government promises of bonuses and generous stipends for living expenses helped attract more than 10,000 volunteers.¹⁵⁸

The ensuing "patriotic education" campaigns¹⁵⁹ that were carried out in Lhasa and surrounding counties following protest by Ronggye A'drak and other similar protests calling for his release throughout the region have moved the entire dissent activities into a kind of rapid action mode, that it clearly indicates that even a single peaceful protest and subsequent public protest can lead to major campaigns or major policy shifts by the authorities. The heightened security measures with additional deployment of armed forces into the region and reinvigoration of "patriotic education" campaign not only in monastic institutions but also to grassroots level of village communities were clear demonstration of a big security sweep and ideological re-training. The policy shift taking place in the "TAP" in 2007 following the Ronggye A'drak protest, were experienced in the political level, for instance, Chinese authorities in

Lithang County of Ganzi (*Tib: Kardze*) “TAP”, Sichuan Province replaced ethnic Tibetan officials with Chinese officials, in a wider crackdown on suspected separatists after recent protest by Tibetans in the area.¹⁶⁰ Whereas Lithang County previously had a Tibetan head of government (*bearing the Chinese name Luo Yong Hong*), a Tibetan head of police, and a Tibetan Party Secretary (*bearing Chinese name Lui Xiao Kang*), all have now been replaced by Chinese officials.

Further, China questioned the loyalty of ethnic Tibetan members of the ruling Communist Party, accusing many of swearing their true allegiance and loyalty to the Dalai Lama following a wave of protests and civil disobedience recently in Tibet especially in Kardze region, according to a leaked internal memo issued by the Party Discipline and Inspection Commission on 4 September.¹⁶¹ The contents of the leaked memo were cited as saying “to carry out a kind of campaign...a kind of rectification campaign...to reassess the loyalty of the members.”¹⁶² Radio Free Asia (RFA) quoted the memo as saying, “there still exists a small number of dissident elements with our Party whose commitment to its ideals, beliefs, and political standpoint is a wavering one.” It accused internal dissidents of “suckling at the breast of the Chinese Communist Party, while calling the Dalai Lama mother,” implying that some Tibetans were simply using the Party while secretly following the Dalai Lama.

Tibetan representatives in the Communist Party came under attack this year, following at least two cases of alleged disloyalty on the part of Tibetan party members. The abovementioned memo, described as Document No.2, 2007, is said to highlight the cases of Phuntsok Gyaltsen,¹⁶³ a dissident Party member, and Lhadon “the younger”, a schoolteacher. Phuntsok Gyaltsen, a 33 year old, was deputy head of Phurbu Township and a special agent of Palgon(*Ch: Bange*) County police department. He

was dismissed from public service, expelled from the Party and arrested for shouting “reactionary slogans” in public¹⁶⁴. Lhadon, 31 years old, a middle school teacher in Khangmar County, was expelled from service and arrested for telling his class of 44 students on 3 April 2007 that the 11th Panchen Lama selected by Beijing was a fake.¹⁶⁵

In the aftermath of the 17th National People’s Congress held in Beijing in October 2007, the “TAR” Communist party decided to send 10,000 cadres to each and every village in the region to propagate the “spirit of NPC”.¹⁶⁶ However, it was learnt that the real intention of the mission was to propagate communist ideology and secure its grip on the region after witnessing many demonstrations and open public allegiance to the Dalai Lama, (be it during Lithang Protest or US Gold Medal ceremony), whom China considers as ‘splittist’.

Even at the lowest level of governance, subtle or sometimes open discrimination still persists in Tibet. The recent local Village Committee (*Tib: grong-tso au-yon lhan khang*) election in Dartsedo and Tawu County in Kardze “TAP”, where the Chinese authorities officially barred Tibetans suspected of having a “connection” with the exiled communities from standing in the village committee election held in October this year.¹⁶⁷ Further, the Chinese authorities in these two counties barred Tibetans from standing in the village committee election who possess the portrait of the Dalai Lama in their residence, have relatives in exile, or their children in the exile schools run by the exile government, have earlier visited India, or who have earlier committed a “political crime”.¹⁶⁸ This official directive, issued by the local Chinese election commission, ahead of the village election, targeting those suspected of having “close proximity” or “connection” with the exile communities is the first of its kind in these counties. With this directive, more than one third of the total population who could stand for the Village Com-

mittee election were invalidated as many of them were known to have visited India, have relatives in India or secretly possess the portrait of the Dalai Lama.

In addition, a new directive was issued by Kardze “TAP” authorities directing all its current and retired Tibetan employees to recall their children studying in India. Those failing to abide by the order were threatened with job termination and forfeit of allowances.¹⁶⁹

In direct contradiction to the negative realities, the “TAR” Chairman, Qiangba Puncog, told a press briefing in October 2007 that Tibetan people are enjoying democracy and freedom under the regional national autonomy system.¹⁷⁰ However, in reality despite the legal guarantee of autonomy under PRC laws, minorities including Tibetans are not able to affect legislation or exercise significant self-governance in their own communities. The Chinese recognition of minority groups including Tibetans is closely associated with a political agenda for maintaining control over such groups by the CPC. The identification process is mainly state-driven, with little, if any, input from minorities. China is today, and has been historically, an ethnically diverse country. Further, China’s official recognition of “minorities”, however, always confers on these groups some measures of inferiority by portraying them as “exotic” or “backward”, while the majority Han is depicted as “united, mono-ethnic, and modern.”

The legal framework for fulfilling the rights of ethnic minorities includes both international and domestic law. Non-discrimination and equality without distinction are fundamental principles of international human rights laws and apply to ethnic minorities and others. They are protected in the UDHR,¹⁷¹ the ICCPR, and ICESCR. Non-discrimination between ethnic minorities and others applies in both civil and political rights and economic, social and cultural rights arenas, all of which,

rights are indivisible, interdependent and interrelated.¹⁷² As a state party to numerous international treaties and conventions, and as a result of the existence of international legal norms, the PRC has clear obligation to respect, protect, promote and fulfill the human rights of all of its citizens, and has additional obligations to protect the rights of ethnic minorities.

The rights for minorities enshrined in the ICCPR are not privileges, but special measures or positive steps necessary to promote equality. These rights under article 27 of the ICCPR -to enjoyment of one’s culture, language and religion-are not dependent on the state’s recognition of groups as minorities, but are conferred on all minorities. Therefore, the PRC is obligated to ensure that everyone can access these rights regardless of their official status. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which the PRC ratified on 29 December 1981, includes prohibitions against all forms of racial discrimination, whether based on race, colour, descent, or national or ethnic origin, and calls for the pursuance of a policy eliminating racial discrimination.¹⁷³

As a state party to the ICESCR,¹⁷⁴ ICERD; the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹⁷⁵ CAT,¹⁷⁶ and Convention On the Rights of the Child (CRC),¹⁷⁷ the PRC is bound to implement these rights - including non-discrimination and additional protections for Tibetans who are considered one of the minorities under Chinese domestic law and to report on its compliance and implementation. Further, despite the fact that China has yet to ratify the ICCPR, the PRC, as a signatory, is obliged not to defeat the objectives and purpose of the treaty.¹⁷⁸

conclusion

Tibet is going through one of the most repressive periods in her history, whereas her southern neighbor Burma, which recently witnessed a similar, unprecedented crackdown on peaceful demonstrations against the repressive military regime, was highlighted and given special attention by the international community and the Burmese issues were thoroughly discussed in the UN, economic sanctions imposed on the military government and the UN even sent its special envoy to Rangoon to find a solution to its problem. The question of Tibet that remains unresolved for the past half a century has been somehow neglected without any major push by the international body. TCHRD deems it right time for the international communities to directly question China on her extensive human rights violations in Tibet before Olympics in August 2008.

The PRC authorities, instead of addressing the root cause of the problems that exist in Tibet, focus on crackdowns and repression, using scare tactics to ensure that no one dares to act or speak out. Particular evidence of this practice is seen in the recent deployment of a large contingent of military forces in full combat gears in Lihang after the protest by Ronggye A'drak, and the same deployment of forces at Drepung Monastery, which was sealed following the monks' celebration of the US Congressional Gold Medal award to the Dalai Lama.

After more than half a century since taking over power in Tibet and with international public attention directed at China in the run-up to the world's biggest sporting event in summer 2008, the PRC authorities still rely on the very same confrontational course in dealing with local Tibetan discontent, which has made the region one of the most restive. The PRC government's current method of addressing the symptoms, rather than the problems themselves, only heightens tensions and accumulates

grievances, resulting in the use of increasingly extreme methods to intimidate people from carrying out activities which the authorities define as "endangering state security." TCHRD expresses its concerns at the authorities' increasing use of ambiguous terms to arrest and imprison Tibetans, which has a serious impact on undermining human rights.

It is high time that the Chinese leadership put an immediate end to the practice of torture, especially of minors like the case of Amdo Bora students, arbitrary arrests and detentions in Tibet. The Centre also calls upon the Chinese government to respect and comply with international standards of human rights practices and its constitutional guarantees on civil and political rights for all the citizens including minorities. The international community should remind itself that behind all the glitz and glamour of the upcoming 2008 Olympics, there are people inside China and Tibet who are harassed and imprisoned everyday for exercising their fundamental human rights enshrined in the UDHR and in China's very own Constitution, such as the right to freedom of opinion, thought and expression, right to freedom of peaceful assembly and association and asylum etc.

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FREEDOM OF RELIGION

2007 saw the Chinese government intensify its systematic and egregious practice of violating freedom of religion in Tibet. Tibet suffered from the full impact of “strike hard” campaigns announced in late 2006 by high-level Chinese Communist Party (“CCP”) members of the “Tibet Autonomous Region” (“TAR”). In a meeting in November 2006, the “TAR” CCP general body resolved to stamp out “separatism” completely by stepping up efforts against Tibetan freedom activists (which includes anyone supporting the Dalai Lama) and by re-strengthening “patriotic re-education” campaigns in monastic institutions throughout Tibet.¹ The 2007 annual reports of international human rights organisations’ speak about the escalation of religious repression by the Chinese in Tibet during 2006 - 2007.² In May 2007, the US Commission on International Religious Freedom (“USCIRF”) recommended that the People’s Republic of China (“PRC”) be re-designated by the Department of State as a *country of particular concern*: “countries whose governments have engaged in or tolerated systematic and egregious violations of the universal right to freedom of religion or belief.”³ China is considered one of the “*most egregious violators of religious freedom*.”⁴ These organizations’ findings have been supported by independent fact-finding committees, including TCHRD, which have specifically documented the heightened level of religious repression in Tibet throughout 2007 as summarized in this chapter.

China’s Constitution, adopted on December 4, 1982, specifically provides, in “Chapter II – the Fundamental Rights and Duties of Citizens” – Article 36:

Citizens of the People’s Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

However, as seen by this year’s report, in reality, China’s grand promises of freedom for religious belief provide meagre protections for human rights and religious freedom of the Tibetans. This is evident first and foremost, from the passage of the “Tibet Autonomous Region Implementing Measures for the Regulations on Religious Affairs” (“RRA”), implemented on 1 January 2007 (the “Implementing Measures”), and the latest Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism (the “Reincarnation Measures”).

China maintains that freedom of religion is protected in its Constitution and in its legislation, including this year's Implementing Measures and Reincarnation Measures, and that these legal safeguards are consistent with the spirit and main provisions of international agreements protecting freedom of religion. The Chinese government's 2004 white paper on Regional Ethnic Autonomy in Tibet states, "The Tibetan People Have the Freedom to Inherit and Develop Their Traditional Culture and to Practise Their Religious Belief".⁵ Further, the Chinese authorities purport to recognise freedom of religion as a basic human right pursuant to the UN Charter, the Universal Declaration of Human Rights ("UDHR"), the International Covenant on Civil and Political Rights ("ICCPR") and the Vienna Declaration and Programme of Action.

China is bound to honor the freedom of religion, protected as a basic principle of universal human rights. First and foremost, China is a member of the United Nations. Accordingly, as a Member State, it is bound to the obligations set forth in the UN Charter. In 2006, when China was elected to the newly formed Human Rights Council, China reaffirmed its purported allegiance to the principles of the UDHR, when it asserted in its candidacy statement that "the Chinese government respects the universality of human rights and supports the UN in playing an important role in the protection and promotion of human rights." Further, China has signed and made official statements that her ratification of the ICCPR is forthcoming. In addition, other theories state that regardless of China's ratification of the ICCPR, the protection of religious freedom within the UDHR is binding as international custom, a form of international law that binds all state players regardless of what documents have been ratified or are otherwise formally legally binding.⁶

However, the reality within Tibet is that if the Chinese authorities deem the exercise of religious freedom to be detrimental to the broader political concerns of the state, then such freedom is duly suppressed. Although China's Constitution purportedly provides its citizens with the "freedom of religious belief," it does not protect the right to manifestation of such religious beliefs, this highlighting the importance for China to ratify the ICCPR, which contains explicit provisions on the freedom to manifest one's religion. Pursuant to the actual language of the Constitution itself, the CCP government may define what is "acceptable" religious behaviour and accordingly, retains the "legal right" to maintain tight controls on religious practices and places of worship in Tibetan areas. Further, "religious belief" is not protected (as claimed under China's Constitution) because the Chinese government believes that the rise of religion and exercise of religious freedom by Tibetan Buddhists causes social instability and ethnic unrest and threatens the political power of the state. China draws a close link between Tibetan Buddhism and Tibetan identity and nationalism. This relationship permits China to portray Tibetan Buddhism, and specifically support for the Dalai Lama, as unpatriotic, at a minimum, and further as a threat to state security. In direct contravention of international law, China promotes, in the place of Tibetan religious beliefs, loyalty to the atheist Chinese state. For example, at a United Front⁷ conference on "minorities work" in Lhasa in January 2007, the Lhasa office states that "in the coming year of 2007, it would work 'to isolate and attack to the greatest possible degree the extremely small minority of splittists, and unify to the greatest possible degree the broad masses of *patriotic* monks, nuns and religious masses.' The statement issued by the meeting also refers to the 'deepening' of the patriotic education campaign.' . . . In terms of its language and tone, the statements from this important Party office are . . . reminiscent of the ideological language of the Cultural Revolution. . . ."⁸

This linkage, and the fear on which it is based, promote China's continued use of numerous tools of religious repression and the illegal arrest, detention, imprisonment and even execution of individuals who are merely exercising their religious and civil rights. The tools of religious repression developed by the Chinese to accomplish its goals were not only continued but also augmented in 2007.⁹ These tools remain:

- (i) the anti-Dalai Lama campaign, in which Chinese officials systematically pressurise Tibetans to denounce their spiritual leader as the head of "splittism";
- (ii) patriotic re-education campaigns intended to rid Tibetan Buddhism of its essential core – religious teaching and practice – requiring political allegiance to the Chinese state first (an official prerequisite for registration) by enforcing strict state control over practices and eliminating those deemed as 'feudal superstitions', restricting religious publications, closing 'unregistered' Buddhist temples, and continuing to imprison religious adherents who publish or distribute religious materials without permission; and,
- (iii) institutionalized control in the form of the Democratic Management Committees stationed in the monasteries.¹⁰

All of these tools blatantly violate international laws to which China is bound and has publicly proclaimed her adherence when desiring international support and acceptance. Further, these methods are resulting in a complete degeneration of the traditions of Tibetan Buddhism.

In 2007, the increased pressure on Buddhism in Tibet is reflected primarily by the following two means of control: (i) an expansion of the use of the tools of religious repression to include the traditional areas of Eastern Tibet - now considered the "Tibetan Autonomous Prefecture" ("T.A.P."), also against normal citizens, and (ii) the development and imple-

mentation of religious repression through the use of legal measures, illegitimately named 'reforms'¹¹ - specifically - the Implementing Measures for the 2005 "Regulations on Religious Affairs" ("RRA") and the Reincarnation Measures. The government claims that under these measures it is now operating according to the 'rule of law', however these reforms are a thinly veiled disguise for campaigns that actually expand and deepen the Chinese state's enforcement of control over practitioners, reincarnated lamas, the practice, and the places of practice of Tibetan Buddhism. Despite Chinese claims, the measures passed in 2007, have done little to reverse China's campaign against Buddhism in Tibet and, instead they only serve to codify at the national level the ongoing restrictions over monasteries, nunneries, monks, nuns and reincarnated lamas.¹² The Implementing Measures include a legal framework for the subsequently issued Reincarnation Measures, and together the two codify a comprehensive though reprensible approach to control the selection, installation and education of reincarnate lamas.

In essence, the slew of legal measures put into effect in 2007 show the Chinese Communist Party's belief that if they want to control Tibet, they are going to have to do it through religion. Further, with such measures, China attempts to correct its mistakes made when it elected its own Panchen Lama, which it believes it can do by establishing a legal framework for its authority to make such decisions in the future. Additionally, China's intensification of its repressive measures with such regulations further reflects its desperation in the face of a losing battle against the Dalai Lama's authority and generally over the popular practice of Tibetan Buddhism. Given that "the Party's key aim is to undermine [the Dalai Lama's] authority,... [a]lthough he is not named explicitly in the regulations, the [Implementing Measures] [further] emerge[] from an acute awareness of the Dalai Lama's continued influence in Tibet areas."¹³

The “TAR”-Implementing Measures and the Reincarnation Measures are the highlight of Chinese religious repression in Tibet in 2007. Also, the many incidents of severe religious repression in Tibet reported by TCHRD throughout the year provide vast proof of the extent of damage to the foundations of Tibetan Buddhism wreaked by the unashamed violations of international law by China. As obvious from the accounts of China’s behavior in Tibet contained in this year’s report, the Communist Party government in fact maintains tight controls that stringently restrict religious practices and places of worship in Tibetan areas. 2007 has amply proved that China’s constitutional, legal and administrative provisions operate to restrict rather than protect religious freedom.¹⁴

Focus on repression in Eastern Tibet

In 2007, TCHRD has witnessed and reported on the emerging trend of China extending its repressive methods restricting the freedom of religion in violation of international laws to historic Eastern Tibet, now largely the “TAP”.¹⁵ As Chinese authorities have focused on tightening up control over the “TAR”, Eastern Tibet had enjoyed lighter restrictions and Tibetan Buddhism had some relative freedom to practice. However, this year, as the authorities have narrowed down their focus to tighten control in Eastern Tibet, TCHRD has received confirmed reports of the erupting tension as the community reacts to the new tightening of control and lack of freedom of internationally protected rights.

For example, in the Golog region of Qinghai Province, in TAP (Eastern Tibet) on the border with China, the Tongkyab Monastery has been under close scrutiny and has also been targeted as the instigator of several protests by local Tibetans arising from tensions between the Tibetans and the Hui Chinese.¹⁶

The Democratic Management Committee (DMC) based in the Tongkyab Monastery conducted a Patriotic Education campaign – to force the monks to denounce and condemn the Dalai Lama as the chief “splittist” and “enemy of the state”, which was met with stiff resistance from the monks and was not a success.¹⁷ In mid-July 2007, the Chinese authorities arrested an abbot and a monk from the Tongkyab Monastery allegedly trying to fan protests against the PAP’s surprise raid and arrest of Tibetans against constructing a mosque (sponsored by a Hui Chinese businessman) without first procuring permission from the local officials.¹⁸ The Chinese authorities also ordered the monastery to compensate local restaurants and the mosque for damages and losses inflicted as a result of the protests. Subsequently, the Chinese authorities also blamed Tongkyab Monastery for a riot by Tibetans that erupted when deep-seated resentment for discrimination, humiliation and ill-treatment by the Hui Chinese came to the surface after Tibetans found human teeth and fingers in the dishes served by Hui Chinese (a common practice).¹⁹ The Chinese authorities named two prominent Tibetan Lamas from Tongkyab Monastery – Dunlo and Palden Sangpo – as the ringleaders who spearheaded the demonstration and issued orders to the security police to arrest them, but they escaped to unknown places.²⁰ In the aftermath of such events, the 150 monks residing in the Tongkyab Monastery have been virtually under house arrest. Heavily armed PAP surround the monastery and, after a meeting with the local Tibetans and clergy and the local Hui Chinese authorities, the monks were ordered not to leave the monastery nor to use their mobile phones.²¹

“TAR”-specific Implementing Measures – a legal analysis

In 2007, in the limelight of the upcoming 2008 Olympics, China officially snubbed the international

community when it passed and implemented the “TAR”-specific Implementing Measures, issued on September 19, 2006 by the 11th Standing Committee of the “Tibet Autonomous Region” People’s Government and made effective as of 1 January 2007, as well as the Reincarnation Measures.²² These “TAR”-specific religious affairs regulations were introduced to implement the Regulations on Religious Affairs (“RRA”) earlier promulgated by the State Council in March 2005 for all of China except the autonomous regions.²³ In 2007, Tibet experienced the initial effects of the new Implementing Measures.

The Implementing Measures institute control by the Chinese state over religious practitioners, reincarnated lamas, religious practice and the places of practice of Tibetan Buddhism. Despite Chinese claims of being reforms, the measures actually codify and establish an administrative framework for the repressive tools China has used to restrict the practice of Tibetan Buddhism for over a decade.²⁴ Further, the Implementing Measures include a legal framework for the subsequently issued Reincarnation Measures, and together the two codify a comprehensive approach to control the selection, installation and education of reincarnate lamas.

International human rights law clearly affirms the right to freedom of religious belief and the right to manifest one’s religion. The United Nations General Assembly first put forth the principle in the Universal Declaration of Human Rights, and subsequently the concept was officially codified in the ICCPR. Further, China’s Constitution purports to protect religious belief, and “normal” religious practices. Article 36 of the Chinese Constitution states:

Citizens of the People’s Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they

discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

However, the Implementing Measures, as official statements written into law, publicly show China’s real intentions. The Measures directly contradict every aspect of protected religious freedom under international law and violate China’s public promises, and statements made in its own Constitution to honor these very freedoms.²⁵

The predominant theme evidenced by the Implementing Measures is the connection drawn by the Chinese Communist government between splittism, or threats to the Chinese state’s “national security”, “social stability” and “ethnic unity”, from Tibetan Buddhists’ religious beliefs and activities. Because of the close link between Tibetan Buddhism and Tibetan culture and national identity, China associates the practice of Tibetan Buddhism as a threat to China’s state security and thus, China nourishes a deep fear of any expression of religion as a guise for revolt or unpatriotic activity. The Chinese Communist state exists in a state of paranoia over maintaining its authority and control over the population of the Tibetan territory it has claimed as its own. Lacking legitimate populist support in Tibet due to the autocratic nature of its political authority, the Chinese government requires absolute control over all the activities of the Tibetan population, hence not a single act that it construes as a threat to its fragile position of power can be tolerated or sustained, and this includes any act smacking of religious freedom. The Chinese Communist Party requires its citizens to “love the country” - to respect the authority of the Party above all other would-be

competing loyalties. “TAR” Party Secretary, Zhang Qingli, claimed that the Chinese Communist Party is the “real Buddha” for Tibetans.²⁶

Thus, as seen in the Implementing Measures, China aims to bring to a complete halt all Tibetan nationalism and “unlawful” religious activities (almost all Tibetan Buddhist religious activities being linked to splittism and therefore deemed “unlawful”), stamp out the Dalai Lama from the hearts and minds of the Tibetan people, curb his authority, and harness the Tibetans’ loyalty to the state instead. Unfortunately for China, this type of totalitarian political rule, clamping down on all nature of the Tibetan citizens’ protected rights, violates well-established norms of international law, which are further contained in international agreements by which China has publicly promised to abide.

The Implementing Measures embody these fears, beliefs and goals of the Chinese Communist state. By stating its concerns in the form of official governmental measures, in both the former RRA as well as the Implementing Measures, China hoped to legitimize, or normalize, the curtailment of religious practice to gain better total control over religious practice and enforce compliance with already existing governmental regulations and policies on religious organizations, personnel and citizens. China claims that by such normalization, a “paradigm shift” is occurring of limiting state intervention in citizens’ religious practice and in this way its religious legislation are “reforms” that will reduce the arbitrariness of China’s behavior.²⁷ However, in reality, the Implementing Measures are an official statement of China’s existing, comprehensive practices of religious repression, which blatantly violate all protected aspects of religious freedom under international law. As a consequence of the new Implementing Measures, religious repression in Tibet has dramatically escalated in 2007. The passing of the measures empowers the officials with legal backing to inten-

sify restrictions and subject Tibetan religious organisations, personnel and citizens to increased state control and repression. Thus, instead of legitimizing China’s behavior, the Implementing Measures completely undermine China’s own claims (made in its Constitution, when signing the ICCPR, joining the United Nations, and in public statements to the international community most recently, when joining the newly formed Human Rights Council, and in promises to ratify the ICCPR) that it protects and honors religious freedom. The Implementing Measures provide the international community a real sword to wield against China for its consistent violation of the freedom of religion. This opportunity has been enhanced by the even more recent passage of the Reincarnation Measures. It remains to be seen what action the United Nations Council, OHCHR, or Human Rights Committee will take, but the writing is on the wall - the time is now.

The Implementing Measures use a number of tools to accomplish its goals. These include:

- (1) The use of vague and undefined key terms and conditions for acceptable religious practice. The use of undefined terms leaves the discretion over the exact implementation of such approval processes completely in the hands of the Chinese government, without any accountability; they can define them however they want. An example can be found in Article 8, which requires that “religious organizations accept supervision and management by the people’s government religious affairs department and civil affairs department in accordance with the law.” Also, Articles 17-18 set forth the specific requirement that religious organizations establish “management organizations” and “accept the supervision, inspection and guidance of the relevant departments of the local people’s government.” The management organizations themselves are

to be elected through “democratic consultation”. However, the language used in these Articles is entirely vague; there is absolutely no definition of the type of management or supervision required by the government that will be conducted. Similar to Article 8, in Articles 17-18 there are no definitions at all given for the nature of supervision, inspection and guidance by the government nor for the make-up of the management organizations. Thus, although they are to be elected democratically, it is completely left open as to how many government versus how many religious personnel shall comprise the management organization. This leaves all control in the hands of the people’s government to determine in practical application what the management organizations will look like. Accordingly, for all one knows, they could be required to be comprised of Communist Party members who are “democratically elected” by the venue, so the venue can only choose among Party-line people.

- (2) The assertion of patriotism or ethnic unity as a way to curtail Buddhist practices due to China’s linkage of Tibetan Buddhism to Tibetan nationalism which China terms “splittism”. This is specifically played out in the other methods of Chinese repression: the anti-Dalai Lama campaign and the patriotic re-education campaigns; in the former, any support shown for the Dalai Lama is deemed unpatriotic even though it is religious support in nature; in the latter, any refusal or inability by Buddhist monks and nuns to show sufficient political patriotism to the Chinese state is interpreted as splittism, even though they are in a religious institution. Provisions of the Implementing Measures that exemplify this issue are discussed in detail below in connection with how this aspect of the Implementing Measures violates

the international law.

- 3) The implementation of heightened, or more clearly delineated, multiple layers of bureaucracy. By placing excessive administrative hurdles on religious practice to be feasible, religious freedom is inherently repressed. The Implementing Measures also utilize these types of hurdles in a discriminatory fashion, only against the “TAR”
- 4) Explicit restrictions or direct involvement and control by the government on religious sites, activities and personnel.
- 5) Discrimination against the “TAR”. There are several provisions where the repression of Tibetan Buddhism is made quite obvious due to the fact that certain measures were passed only for the “TAR”, but do not exist in the “RRA” for the rest of China.

The UN Charter first gave “formal and authoritative expression to the human rights movement”.²⁸ In Article 1, the Charter sets forth the universal respect for human rights as its foundation. Under Article 55(c) of the Charter, members are required not just to respect, but to encourage:

Universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

Further, pursuant to Article 56, Members are obligated to cooperate to promote the goal of universal human rights:

All members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights (“UDHR”).²⁹ The UDHR Article 18 provides protection for religion from coercion as well as protection to manifest one’s religion:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom [...] either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The UDHR is the most commonly cited statement of protection of international human rights and has been called the “constitution of the entire movement”.³⁰ Intended only as a ‘recommendation’, the UDHR became broadly known and was frequently invoked as it was the “only broad-based human rights instrument available.”³¹ Although the UDHR does not have the legal standing of a treaty or international agreement,³² several international law theorists or international human rights agencies have opined that the UDHR has obtained legitimacy as binding custom, if not a “peremptory norm (jus cogens) of international law.”³³

The principles of the UDHR were translated into legal force in the form of The International Covenant on Civil and Political Rights (ICCPR) and The International Covenant on Economic, Social and Cultural Rights (ICESCR). These covenants are considered treaties under international law, which bind the states parties in accordance with their terms, subject to reservations. The ICCPR creates an international institution which gives institutional support to the Covenant’s norms.³⁴ Countries that have ratified these Covenants commit themselves to making laws in their country to protect these human rights.³⁵

The ICCPR states the provisions of the UDHR in considerably greater detail - protecting both the freedom from coercion and the freedom to manifest one’s religion and belief. ICCPR Article 18 provides:

(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to

adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

(2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

(3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

(4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own conviction.

Although the “freedom of belief” is protected outright and can never be limited for any reason, including emergency, the “freedom to manifest belief” may be limited if necessary to protect public safety or public order. In addition, Article 2(1) of the ICCPR affords basic rights to all individuals without distinction or discrimination on any grounds including religion. Article 26 places an obligation on states to ensure that, “the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as...religion.”

China is bound to honor international law

Although China has not yet ratified the ICCPR, it is a party (a signatory) to the Covenant and has ratified the concomitant Covenant – the ICESCR, which protects cultural rights that are arguably just

as much a part of protecting Tibetan Buddhism in Tibet. In 2006, when China was elected to the newly formed Human Rights Council, China reaffirmed its purported allegiance to the principles of the UDHR, when it asserted in its candidacy statement that “the Chinese government respects the universality of human rights and supports the UN in playing an important role in the protection and promotion of human rights.”³⁶ China reaffirmed its commitment to do so as recently as April 14, 2006, in its application for membership to the newly formed UN Human Rights Council.³⁷ “China’s top leaders have previously stated on three separate occasions that they are preparing for ratification of the ICCPR,”³⁸ including the following:

- in a September 6, 2005 statement by Politburo member and State Councilor Luo Gan at the 22nd World Congress on Law;
- in statements made by Chinese Premier Wen Jiabao during his May 2005 Europe tour; and,
- in a January 27, 2004 speech by Chinese President Hu Jintao before the French National Assembly.

Further, “[a]s a signatory to the ICCPR, China is required under Article 18 of the Vienna Convention on the Law of Treaties (to which it is a party) ‘to refrain from acts which would defeat the object and purpose of a treaty’ it has signed.”³⁹ Thus, China has voluntarily interjected herself into the United Nations’ human rights arena, claiming to be willing and desirous to abide by and promote the protection of religious freedom under international law. However, China has failed to act accordingly.

Violation of the protected freedom from coercion

The Implementing Measures violate both the freedom from coercion and the right to manifest one’s religion or belief protected under international law.⁴⁰

Religious citizens and personnel have the right to be free from coercion that “*impair[s] the right to have . . . a religion or belief, including the use of threat of physical force or penal sanctions to compel believers . . . to recant their religion or belief. . . .*”⁴¹ The term “coercion” in Article 18(2) is to be broadly interpreted.⁴² The Human Rights Committee opined in the case *Kang v. Republic of Korea* that an ideology conversion program was a form of coercion in violation of Article 18(2) of the ICCPR when the program was administered in a discriminatory fashion to alter the political opinions of inmates (by offering inducements of preferential treatment within prison and improved possibilities of parole).⁴³

The Implementing Measures directly violate the freedom from coercion in the many articles where they define “illegal” or prohibited religious activities of Tibetan Buddhist practitioners by reference to patriotic principles – claiming that such activities, to be legal, must *promote* patriotism, “ethnic unity” and “social stability”. For example, Article 3 of the Implementing Measures, which sets forth the general principles of the measures, states that religious activities have to be “**normal**” to be protected by law, “**legal**”, and have to “**safeguard the unification of country, ethnic unity and social stability**”. Here immediately discernible is how Article 3 is *directly coercive* by defining what the religion must promote - patriotism and loyalty to the Chinese state first - in order to be protected by law. Further, the terms defining what must be promoted and what is legal - “social stability”, “ethnic unity”, and “normal” — are themselves undefined, thus allowing the Chinese government to define the concepts as it chooses. It is clear that the term “normal”, which has existed in China’s Constitution, has not been used to protect the practice of Tibetan Buddhism in Tibet. Thus, the Implementing Measures violate international law by directly stating, in Article 3, that Tibetan Buddhism must promote the belief system that China espouses.

Another example is found in Articles 10 and 34, which prohibit the production, distribution or viewing by religious personnel of religious publications and audio and visual materials that “disseminate or glorify **ethnic separatism**, religious extremism, and terrorism” or “**disrupt ethnic unity**” or “**endanger national security**”. Nor may religious followers “ask religious personnel to recite from banned religious texts.” Books by or about the Dalai Lama fall clearly into these categories of “disrupting ethnic unity” and “endangering national security.” The past decade of reporting by TCHRD and other international human rights organizations, has shown that monks, nuns and laypeople are regularly punished by arbitrary detention, beatings, torture and prison sentences for possessing or distributing this material on exactly these grounds. Thus, these Articles violate the prohibition under international law against coercing religious personnel to believe something else, or to renounce their own beliefs, by clearly forcing Tibetan Buddhists to reject their own religious leader, the Dalai Lama, whom the Chinese government deems a “splittist.”

Articles 3, 10 and 34 establish a legal framework to justify the coercive systems already in place by the Chinese government in the anti-Dalai Lama and ‘patriotic re-education’ campaigns, regularly impair Tibetan Buddhist religious citizens and personnel their right to hold the beliefs of their choice. The patriotic re-education campaigns described in this chapter below use the same type of “ideology conversion system” that was found to be illegal in the *Kang* case, because the monk’s position in the monastery is conditioned on his acceptance of the political beliefs mandated by the Chinese government in the campaign. If a legitimate threat were to exist to the national security of the government as a result of the practice and belief system of Tibetan Buddhism, then international law would support appropriate restrictions. But no such threat has been established. In fact, the Dalai Lama, to whom alle-

giance is prohibited, supports Tibet’s autonomous status within the state of China, not independence or “splittism”, and a nonviolent path to resolve the political differences between Tibet and China. China has an uphill battle to establish that loyalty to His Holiness poses a real threat to the national security of China.

Violation of the protected freedom to manifest one’s religion⁴⁴

Religious freedom encompasses more than just religious belief. Also protected is the right to practice or manifest one’s religion, which means, first, the freedom “to worship or assemble in connection with a religion or belief”⁴⁵ and to practice “ritual and ceremonial acts giving direct expression to belief.”⁴⁶ This basic protection of the right to worship or assemble in connection with one’s religion is directly violated by several Articles 27, 28 and 14 in the Implementing Measures. Articles 27 and 28 establish the unfettered authority in the relevant governmental department to directly manage, without any accountability, a religious event that exceeds the capacity of an approved religious venue to ensure that it is carried out with “safety and order”. No guidelines are provided for what “safety and order” means, or for what level of supervision would be acceptable by the government. Thus, no guarantees are provided that these intrusions by the government will not infringe or even prohibit the freedom to worship at such a religious event. Further, under Article 14, religious gatherings (just the general collective activity of religious citizens) have been outright prohibited unless held at registered, approved religious venues, or a site appointed by the people’s government religious affairs department at the county level or above. Further, they must be presided over by religious personnel pre-approved by the government. Implicit in this article is the fear

and consequent distrust of the Chinese government of the practice and power of religion – of religious people gathering without the control and watchful eye of the state. In essence, this provision reflects the Chinese policy that the practice of religion, or at least Tibetan Buddhism, in China is not valid or legal until expressly sanctioned by the government.

An example of the abusive implementation of the new measures permitting governmental control over religious gatherings and celebrations by normal citizens occurred in March 2007. The order was issued at meetings of neighborhood committees on or around 10 March 2007 in light of the instruction from the Tibetan Government-in-exile to make long life offerings for His Holiness on 14 March 2007.

⁴⁷ This egregious restriction on the Tibetan citizens' freedom of religious practice mandated that all public religious practice for all Lhasa residents (not just officials or students) cease - all residents of Lhasa were ordered not to visit monasteries or temples, perform circumambulations or make incense offerings – in an effort to curb the Dalai Lama's influence by preventing Tibetans from praying for him. On 12 March, "emergency meetings were convened at all levels of government in the "TAR" as well as in companies and enterprises and in residential committees."⁴⁸ An official governmental order was also issued banning Tibetan Communist Party members and government officials from visiting temples in Lhasa for a week, under threat of expulsion and dismissal from their jobs. ⁴⁹ Still, on the designated day, 14 March, in Lhasa, an unusually large number of Tibetans gathered at the *Bumpa Ri* (Vase Hill) and also at the main Cathedral in Lhasa.⁵⁰ Upon witnessing the gathering, hundreds of Chinese police officials were deployed by the afternoon and they intervened to block people from incense-burning rituals. One woman was detained and an older woman in her 60s was assaulted.⁵¹ Another example took place in the context of the extreme measures taken to prevent celebrations from occurring on the

occasion of the Dalai Lama's receipt of the U.S. Congressional Gold Medal, which is discussed in detail in Civil and Political Rights section of this report.

In another incident, the Chinese authorities in Meldrogungkar temporarily closed down the Pangsa Monastery, which belongs to the Sakya school of Tibetan Buddhism, in Meldrogungkar County, Lhasa municipality "TAR", as reported by TCHRD.⁵² The monastery's chief relic is a mummified reliquary body of the highly realized Yogi Jampal Gyatso, which was brought there in the 14th century from the birthplace of Je Tsongapa Chenpo (1357-1419), the exalted master and the founder of the Gelugpa school of Tibetan Buddhism. The closure of the monastery resulted from the Chinese government's lack of control over thousands of Tibetan pilgrims and devotees that began flocking to Pangsa Monastery after the Dalai Lama preached the benefits of receiving blessings from the reliquary statue housed there. The Chinese government's action is yet another example of how in 2007 the Chinese state has instituted strict and unprecedented curbs on the movement and congregation of regular religious citizens, as a measure to control religious practices, indicating China's fear and suspicion of the gathering of Tibetan people in one place.

The freedom to worship also includes the freedom to conduct other religious practices that are integral to such worship, meaning the freedom: (1) to establish, build and maintain places for the purposes of worship and religious assembly;⁵³ (2) to make, acquire, use and display "religious symbols"⁵⁴ and "materials related to the rites or customs of a religion"⁵⁵; and, (3) "to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief".⁵⁶ The Commission on Human Rights urged states "[t]o exert the utmost efforts . . . to ensure that religious places, sites, shrines and religious expressions are fully re-

spected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction.⁵⁷

In Articles 13 and 16 of the Implementing Measures, the Chinese state blatantly, and illegally, intrudes upon the unfettered freedom to construct religious structures or statues of any size (such as an open-air religious statue, stupa, or *mani lhakhang* [prayer (wheel) temple]), as well as to make and use religious symbols. If a structure or statue is being constructed outside of a pre-approved religious venue, first, a petition must be made to, and consent obtained, from the local city government's religious affairs department, and then the same process must be undertaken at the "TAR" level. Under Article 16, the rebuilding, expansion or repair of venues for religious activities requires the consent (by a petition for examination and approval) first of the county-level people's government religious affairs department in the locality and then from the city-level people's government religious affairs department. In both Articles, layers of bureaucratic complexity, one of the tools utilized throughout the Implementing Measures, hinder religious practitioners' exercise of these basic protected freedoms. And ultimately, the approval for whether the statue or structure can be built or repaired at all lies entirely within the government's discretion without any standards or guidelines to ensure the freedom is adequately protected. Further, no group or individual outside of state-approved 'religious organizations' and 'venues for religious activities' may build religious structures. This is an outright violation of the freedom to worship. It may also be noted that both these Articles show the discriminatory nature of the Implementing Measures against the "TAR". Regarding the construction of statues, the RRA requires the same levels of approval for the rest of China only for large open-air statues and for repairs to venues, under the RRA, only the county-level consent is required.

Article 13 was forcibly implemented in mid-May 2007, when, coinciding with the Buddhist holy month of Saka Dawa, a convoy of the Chinese People's Armed Policies (PAP), demolished a nearly completed, colossal, gold and copper plated statue of Guru Padmasambhava, popularly known as Guru Rinpoche, at the Samye Monastery⁵⁸, and transported its rubble to an unknown location.⁵⁹ In order to prevent information of the destruction from being leaked outside, the Chinese PAP quickly barred pilgrims, devotees and foreign tourists from visiting Samye Monastery. A huge network of Chinese PAP was deployed around the monastery area. Monks from Samye Monastery did not dare to disclose any information to local Tibetan devotees who asked about the demolition. One local Tibetan told TCHRD that, "*Tibetans in Lhoka, particularly in Dranang County did not dare to challenge the officials openly but deep inside their heart, people fear and worry that the demolition of Guru Rinpoche's statue and transportation of its rubble bear a resemblance to the dark era of the Cultural Revolution.*"⁶⁰ The official statement on the event from the Democratic Management Committee of Samye Monastery on 8 June 2007 claimed that Samye Monastery's erection of the copper statue of Padmasambhava "disobeyed the Law of the People's Republic of China on Protection of Cultural Relics and the Notice of Illegally Building Open Statue of Buddha jointly issued by the State Administration for Religious Affairs of People's Republic of China, Ministry of Constructure [sic] of the People's Republic of China and China National Tourism Administration."⁶¹ In two other examples of the forcible implementation of these measures, a 2 meter high statue of Guru Rinpoche in Ngari Darchen, Burang County, Ngari Prefecture "TAR", which was completed and consecrated by the local religious heads in September 2007 was demolished in the first week of October 2007 by the local Chinese authorities.⁶² In a similar incident, on 14 August 2007, a statue of Guru Rinpoche, which was under construction at Rongpatsa Village,

Kardze County, Kardze “TAP”, was suspended after the local authorities’ issued an official order prohibiting construction.

Also included within the freedom to practice one’s religion is the freedom to perform “acts integral to the conduct by religious groups of their basic affairs”⁶³: (1) “to train, appoint, elect or designate by succession appropriate leaders”;⁶⁴ (2) to teach and “establish seminaries or religious schools”;⁶⁵ (3) “to teach a religion or belief in places suitable for these purposes”;⁶⁶ and, (4) to “write, issue and disseminate [religious texts and] relevant publications in these areas”.⁶⁷

China has egregiously violated the freedom of a religion protected under international law to be able to “appoint by succession appropriate leaders” in passing both the Implementing Measures and the subsequent Reincarnation Measures, discussed in this article below. In Articles 36 and 38 of the Implementing Measures, the Chinese government, quite controversially, interjects its direct control over the succession of living Buddhas. Article 36 sets up the general concept of government authority over who will be deemed a ‘soul boy’:

The succession [zhuanshi] of living Buddhas in Tibetan Buddhism is handled, under the guidance of a religious organization, by a venue for religious activities, in accordance with relevant provisions of the state and autonomous region, and in accordance with religious procedures and historical practices. No organization or individual may look for or confirm soul boys without approval from the autonomous region’s people’s government religious affairs department.

To maintain the greatest extent of government control, the measure utilizes vague, undefined terms that determine how these measures will actually play out in the “TAR”. What exactly are the conditions of

the religious affairs department for approval of an organization “to look for or confirm” soul boys? Not a single factor is stated on which such approval shall be granted or withheld. This is a direct contravention of the freedom of a religion to appoint, entirely on its own, its successive leaders, which is squarely protected under international law. A further discussion of the implications of China’s involvement in these matters is contained in the section on the Reincarnation Measures. Note that the phrase in Article 36 “in accordance with relevant provisions” of the state and autonomous region provides the framework for the successive Measures on Reincarnation, which address in detail how the Chinese government will determine who is a reincarnated Buddha under Tibetan Buddhism and who isn’t.

Articles 41-44 of the Implementing Measures give an interesting example of how measures that severely restrict the movement of all Tibetan Buddhist religious personnel and violate the freedom to teach Tibetan Buddhism, and do so in places “suitable for these purposes”. Article 43 governs “TAR” religious personnel who merely cross cities to study scripture. They must obtain approval from the people’s government religious affairs department in the destination city and report it for the record to the “TAR”-level people’s government religious affairs department. For “TAR” religious personnel who are going outside provinces to study scripture, and for religious personnel from other provinces who study scripture at venues in the “TAR”, they must consult with and obtain consent from both provincial-level people’s government religious affairs departments. The Chinese government ensures, through complex levels of required governmental approval, that the monastic community travels as infrequently as possible, which in turn severely impairs the religious education of the monastic community. The current measures increase restrictions already in place over the “TAR” and very negatively affect the trans-

mission of Tibetan Buddhist teachings.⁶⁸ The traditional, and chosen, mode of education in Tibetan Buddhism is dependent on mobility for its continuation and development. Monks and nuns must travel to certain teachers who possess specialized knowledge to receive teachings in person and which are frequently transmitted orally. Thus, by imposing such strict controls and bans on travel by the monastic community, China impedes the traditional practice of education and religious practice and allows itself the power to bring to a halt the continuation as well as the development of Tibetan Buddhist practitioners, and the continuation of the religion. In direct violation of international law, monks are being refused access to their chosen teachers, in the traditional custom. For example, the Gelugpa monasteries are all in Lhasa, thus monks from all over Tibet need to be able to travel to Lhasa to study there.

Articles 30-34, and 45 violate the provisions of international law that protect the integral aspects of the freedom to practice one's religion by teaching and disseminating religious texts and relevant publications. These articles hinder the effectiveness of the transmission of Tibetan Buddhism by limiting the traditional roles of teachers and censoring the teaching materials that can be used. Specifically, Article 33 prohibits any religious personnel from engaging in meaningful religious activities such as "initiations into monkhood or nunhood, consecrations, expounding Buddhist sutras, proselytizing, or cultivating followers outside of venues for religious activities," without prior approval "from the people's government religious affairs department at the county level or above." Article 45 outright bans Tibetan religious teachers returning to Tibet from exile from participating in these very same activities. As discussed above, Article 34 restricts the materials that teachers may view and distribute based on whether the materials satisfy patriotic standards. These provisions severely limit the legitimate prac-

tice and education of Tibetan Buddhism. Many of the important teachers for young monks and nuns will be those who are being legitimately trained in monasteries established in exile that operate freely, without the severe restrictions that exist on monastic institutions in the "TAR". By outright prohibiting these trained practitioners from coming to the "TAR" to teach and perform initiations, the Chinese government's direct violation of international law puts the very survival of Tibetan Buddhism itself at risk.

Thus, although it may appear to passing tourists that some monastic institutions are thriving and that Tibetans are still able to express their devotion through traditional rituals, the reality behind the appearance is quite different. Monasteries that once housed thousands of monks are now reduced to a few hundred whose main responsibility is no longer religious study, but tending to the buildings and tourists.⁶⁹ In appearance, religious activities seem to proceed normally, but the "three treasures" of Tibetan Buddhism - the Buddha (The Enlightened or Awakened One), the Dharma (The Teaching) and the Sangha (The Community) - are actually being restrained and destroyed. Losing its vehicle of reasoning, religion becomes only a superficial and superstitious formality to the masses. This kind of religious freedom may deceive foreign tourists, but in practice it only allows the monastic community to light lamps and prostrate in the temples. To true believers, such trivialized freedom is worse than no freedom at all.

China's new religious regulations on reincarnation

Approved by the State Religious Affairs Bureau (SARA) on 13 July 2007, The Management Measures for the Reincarnation of Living Buddhas in Tibetan Buddhism ("Reincarnation Measures") took

effect on 1 September 2007, introducing China's next desperate attempt to undermine the centuries-old Tibetan tradition of religious practice and curb the influence of the Dalai Lama, by attempting to contain the non-containable: reincarnation. A SARA official stated, after the Reincarnation Measures were announced: "The government only administrates religious affairs related to state and public interests and will not interfere in pure *internal* religious affairs".⁷⁰ However, the Chinese officials' reaction to comments from the Dalai Lama as to the options available regarding the appointment of his successor reveal the real purpose of the measures, which is to undermine and replace the *internal* Tibetan religious hierarchy and weaken the authority of legitimate Tibetan religious leaders - first and foremost, the Dalai Lama.⁷¹ Here we see the pervasive theme of "linkage" in China's overall repression of religious freedom in Tibet – China's view of "the selection of a new incarnation as primarily a state affair" stems from the "sacred status which Tibetans attach to reincarnations [and which] imparts them an authority which must be controlled by a system that considers its own authority to be absolute."⁷²

The Reincarnation Measures were incorporated into the RRA (adopted by the State Council on 7 July 2004 and in effect on 1 March 2005) and establish the administrative framework that regulates the process of identifying reincarnated lamas including:

- whether or not the search for a new reincarnation may begin;
- the way in which the search is to be conducted;
- the procedure for the actual recognition of any reincarnation;
- how to obtain government approval for the recognition.⁷³

According to the official statement: "All the reincarnations of living Buddha of Tibetan Buddhism must get government approval, otherwise they are

'illegal or invalid'".⁷⁴ The measures demand:

All the reincarnation applications must be submitted to the religious affairs department of the SARA, and the state council, respectively, for approval in accordance with fame and influence of the living Buddha in the religious circle. . . .

Like the Implementing Measures, patriotism and overt state control have taken over the whole selection process. Under Article 2, the selection of reincarnates must preserve national unity and solidarity of all ethnic groups and the selection process cannot be influenced by any groups or individuals from outside the country. The Reincarnation Measures institutionalise the authority of the Chinese state government (the central SARA and its lower administrative branches) and state-sponsored religious bodies, such as the Chinese Buddhist Association, in Article 10. As such, they clearly interfere with the traditional Tibetan procedures. Further, the new measures bar any Buddhist monk living outside China from seeking reincarnation for himself or recognizing a "living Buddha". The Reincarnation Measures also handle enthronement, education and religious training of a reincarnation.

The Measures reflect the mindset of the Chinese state, which has translated its ability to ensure control over the Tibetan areas to maintaining control over key religious leaders, such as the Panchen Lama. Recognizing the authority and influence accorded to reincarnated lamas, on both the religious and social levels, the Chinese state's religious policy in Tibet is focused on inserting its own power into this traditional Buddhist hierarchy and preventing the influence of the Tibetan monasteries in exile. In fact, the Reincarnation Measures actually ratify the status quo in that they codify a large body of prior internal directives prepared by governmental and Party bodies which have effectively governed, in great

detail, the process of selection, identification and enthronement of reincarnations, since the early 1990s.⁷⁵

The Reincarnation Measures highlight the Chinese authorities' increasing paranoia as they see the fruitless impact of their attempts to curb the influence of the Dalai Lama and establish in his place the Chinese government as the sole arbiter of religious organization in Tibet. On 11 September 2007, the Chinese Foreign Ministry spokesman, Jiang Yu, urged foreign governments not to provide "a platform for [the Dalai Lama's] anti-China political activities in the guise of religion".⁷⁶ Perhaps the Implementing Measures (discussed above) proved unsatisfactory for Ye Xiaowen, the Communist Party Director, sparking a second wave of legislation and interference. Such failure to obtain the loyalty of influential religious leaders was publicly seen in the 2000 escapes of the 17th Karmapa, after the government's attempts to groom him as a loyalist, and Arjia Rinpoche, the then abbot of one of the most important Gelugpa monasteries in eastern Tibet, refusing to endorse the Chinese Panchen Lama, Gyaltsen Norbu.⁷⁷

The measures exemplify the Chinese government's willingness to publicly disclose in formally promulgated measures the principles they have been ineffectively implementing for years. The Reincarnation Measures thus reflect China's next "stab at the apple" hoping for better results by having made some effort to legitimize their methods, meanwhile streamlining their regulatory system, unifying local laws and placing reincarnation directly under central supervision.⁷⁸ As with the Implementing Measures, Chinese opinion is that the measures reflect reforms.⁷⁹ However, with the issuance of these Reincarnation Measures, the Chinese appear unmindful of the core belief system of Buddhism, the lineage of its teachers, and the hearts of the Tibetan People. The Central Tibetan Administration stated:

Recognition of Tulkus is something that can neither be appointed from above, nor be elected by the general populace, or be bestowed upon someone as "titles" or "positions"⁸⁰

The Chinese Foreign Ministry spokesman, Liu Jianchao, responded harshly, claiming that such methods would "violate religious rituals and historical conventions of Tibetan Buddhism".⁸¹ Lodi Gyaltsen Gyari, special envoy of the Dalai Lama, has explained how China's response "betrays its own lack of legitimacy in this area" and why the Chinese atheist government has no business selecting Buddhist reincarnations.⁸²

The measures have met with hostile global reaction. On the 2nd of September, the Central Tibetan Administration and the Kalon for Religion and Culture issued a Joint Statement to Repudiate the so-called Order No. 5 of China's State Administration of Religious Affairs on the Reincarnation Measures, declaring that the measures are intended to "trample upon" the Tibetan people's religious freedom:

It will serve as a big tool for the Chinese government to brutally repress the innocent Tibetans under their tyrannical rule — and will also be recorded as a gross historical misrepresentation.⁸³

TCHRD issued a press release expressing its disapproval on 1 September 2007 urging the Chinese authorities to conform to international human rights obligations, commitments that were reaffirmed on the occasion of China's election as a member of the new United Nations Human Rights Council.⁸⁴ Jennifer Windsor, Executive Director of Freedom House (an NGO headquartered in Washington, D.C), said the new rules issued by the Chinese government were "both deeply offensive and [a] violation of basic religious principles."⁸⁵ Indeed, the

measures are antithetical to the ICCPR Article 18(1), (3)⁸⁶ and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Rights or Belief, Article 6(g), which protect within the freedom to practice one's religion - the freedom "to appoint, elect or designate by succession appropriate leaders". On 31 August 2007, the US Commission of International Religious Freedom USCIRF, in Michael Cromartie's (Commission Chair) statement, opined on China's actions as follows: "In violation of international human rights standards, China continues to use its National Regulations on Religious Affairs and specious security claims to curtail the religious freedom of tens of millions of its citizens."⁸⁷

To all Tibetans, the Dalai Lama is absolutely sacred and must not be vilified; he is a "Bodhisattva" who gives meaning to the pursuit of human life. In the face of such a Bodhisattva, secular power, armed force and manipulative political schemes to eliminate him seem to be no match. Despite Beijing's insistence that it opposes only today's Tenzin Gyatso, who wants to "split the motherland", and not the previous generations of the Dalai Lama, Beijing's Reincarnation Measures and the Implementing Measures passed this year reveal China's actual beliefs which are now made into laws - the rejection of the act of teaching of the reincarnation of the soul and eternity of the Buddhist spirit, as well as the actually reincarnation itself, which lie at the foundation of Tibetan Buddhism. Therefore, it is impossible for Beijing to assert its respect for Tibetan Buddhism on the one hand and justify its opposition to the Dalai Lama on the other.⁸⁸ No matter how fierce, resolute and extensive the anti-Dalai Lama campaign is, it cannot accomplish China's goal to surpass the "Cultural Revolution". Power may control tangible matters, but when faced with the Dalai Lama whose roots are deeply founded in religion, China's brand of power becomes powerless.

"Patriotic Re-education Campaigns" spread in 2007 - testimonies of Tibetan refugees

In 2007, patriotic re-education campaigns flourished and spread to new areas of traditional Eastern Tibet. The patriotic re-education campaigns exemplify the coercive nature of the CCP's continued violation of Tibetan Buddhism's rights to religious freedom guaranteed under international law. The dire impact on the lives and the education of monks and nuns from the continuation of patriotic education campaigns by the Chinese within monasteries and nunneries throughout Tibet is evident from the testimonies of those who managed to flee Tibet. TCHRD reported a number of such cases in 2007.

26-year old Jamphel Nyima, known as Dhondup, who arrived in Dharamsala in February 2007, from Drepung Monastery in Lhasa, personally testified about the despair in the monastic community in Tibet as a result of the ongoing patriotic re-education campaigns, and the negative effect on the expression of religious freedom in Tibet.⁸⁹

[E]very month about 15 to 20 personnel from Lhasa Religious Affair Bureau (RAB) would come to our monastery to conduct 'patriotic re-education for around 18 days. ... [T]here is constant mental harassment due to 'patriotic re-education' campaigns in the monastery. Due to such reasons, many monks leave the monastery. Since 2003, more than 100 monks were expelled or withdrew from the monastery. At present, there are around 500 registered monks in the Drepung Monastery.⁹⁰

He described the five points the monks are forced to accept, including signing a prepared document where the same statements are written: "1. Denouncing the Dalai Lama. 2. Opposition to separatist

group. 3. Accept Tibet as a part of China. 4. Allegiance to the People's Republic of China. 5. Feedback on the experience of the re-education campaign by the Work Team."

Monks were put in a catch-22 situation, wherein signing the statement would mean going against their conscience and refusing to sign ends up in punishment or expulsion from monastery. . . .⁹¹

In 2007, Jamphel described the suicide of a monk in November 2005 after he had contested the officials. The incident resulted in 5 additional monks being expelled by the officials after they also objected to making the statements following the suicide. The monastery then engaged in a day-long sit-in protest due to the officials' refusal to discuss the expulsions, and the higher authorities' then sealed off the entire monastery by armed personnel for several days.⁹²

In 2007, China expanded its use of patriotic re-education (political) campaigns in monasteries and nunneries into what is known traditionally as eastern Tibet, now known as the "Tibetan Autonomous Prefecture" ("TAP"), which had previously enjoyed more relative religious freedom. Further, China also broadened its target of the campaigns beyond religious personnel to Tibetan people at large. Based on confirmed information received by TCHRD, in the first week of September 2007, the Chinese government unleashed a massive patriotic political campaign at and in the surrounding area of Lithang Monastery in the eastern Province of Sichuan.⁹³ The leaders of the townships and monasteries in and around Lithang were summoned by the Chinese government to commence the "Patriotic Political Education Campaign" over the next three months in which

[t]he Tibetan people were made to learn by the Chinese officials about how the aristocrats, officials and serfs of the old pre-

1959 Tibet subjected the Tibetan commoners to oppression, torture and servitude . . . [including] how the Chinese liberation of Tibet has empowered the Tibetan commoners to rise up and to hold denunciation sessions [] to those serfs who had oppressed and suppressed them . . . [and] how the Chinese government has developed, improved the living standards of Tibetan people and how they are now entering a prosperous era.⁹⁴

On 2 September 2007, the Chinese authorities summoned a meeting of the general public of Youru Kharshul and Kayta Villages in Lithang County, Kardze "TAP" to receive this political education.⁹⁵ The Chinese officials denounced Trulku Tenzin Delek and Runggye A'drak, a Tibetan monk and nomad from the region who were previously arrested when exercising their political and religious rights, as "a group of evil Tibetans [who] made serious mistakes."⁹⁶ The patriotic reeducation campaign in Lithang imposed heightened restrictions and violations of religious freedom, including:

- banning of the display of the picture of the Dalai Lama not just in monasteries but also in monks' residences;
- forced eviction of monks below 18 years of age from the monasteries, who were obligated to return to their homes;
- closure of a school under the administration and management of the Lithang Monastery resulting in all the school children being sent to their homes;
- prohibition of government and retired civil servants from circumambulating around the monastery and performing rituals on their altars.⁹⁷

TCHRD reported that thirty PAP raided a monk's residence during the night without warning and the

monk was beaten and tortured.⁹⁸ The PAP forcibly seized a few monks' residences who had no connection with political activities.⁹⁹ On 15 September, Lobsang Phuntsok, a monk of Lithang Monastery, was arrested following the 'patriotic re-education' campaign.¹⁰⁰ On 3 October 2007, the Chinese authorities summoned abbot and monks of Youru Geydenling Monastery (a small branch monastery under the umbrella of Lithang Monastery) and conducted 'patriotic education'.¹⁰¹ During the session, Jamyang Tenzin, a 33-year old monk of the monastery, stood up and openly challenged the officials, saying "The Chinese government's proclamation of [the] right to religious freedom enjoyed by the Tibetan people stands ghastly contradictory as we cannot place a portrait of His Holiness the Dalai Lama at our residence and monastery."¹⁰² He questioned the arrest of Ronggye A'drak and other Tibetans and concluded by shouting "May the Dalai Lama live for thousands of years." Jamyang was arrested immediately at the conclusion of the 'patriotic education' session. The intense nature and scope of the patriotic education campaign seen in Lithang in 2007 is unprecedented and is most likely the result of the political unrest and tension in the area due to the support for the imprisoned Trulku Tenzin Delek and the arrest of Ronggye A'drak.

Jamphel Nyima reached Dharamsala in February 2007 and told TCHRD about the ongoing repression of religious freedom in Tibet. He confirmed that every month about 15 to 20 personnel from Lhasa Religious Affair Bureau (RAB) would go to Drepung Monastery to conduct 'patriotic re-education' for around 18 days. During the campaigns, the monks were forcefully made to denounce the Dalai Lama and accept Tibet as part of the People's Republic of China. The 26-year old Jamphel decided to leave his monastery and escape into exile following the suicide of Ngawang Jangchup after a heated dispute with the work team officials over Ngawang's refusal to denounce the Dalai Lama.

Given the lack of religious freedom in Tibet, Jamphel left with the sole purpose of joining Drepung Monastery in South India to pursue his studies in Buddhist Philosophy. According to his personal experience, "there is no religious freedom in Tibet and moreover there is constant mental harassment due to 'patriotic re-education' campaigns in the monasteries. Due to such reasons, many monks leave their monasteries."¹⁰³

Banning of religious days

Religious ceremonies continue to be strongly restricted in Tibet in direct contravention of international laws protecting the freedom to manifest one's religion. Prohibitions continue to be in place for important days like *Saka Dawa*¹⁰⁴, *Gaden Nyamchoe*¹⁰⁵, and the birthdays of the Dalai Lama and the 11th Panchen Lama Gedhun Choekyi Nyima. Those failing to abide by these orders risked expulsion from school and fines. In the month of December 2006, celebration of the anniversary of Gaden Nyamchoe was strictly prohibited by a joint notice issued on 12 December 2006 by the Lhasa City Party Secretary Office and the Lhasa Governor Office, and published in a Lhasa newspaper, which banned Party members, civil servants, staff, public institutions such as schools and banks, vocational centres, students and retired civil servants from participating in or even viewing the religious ceremonies attendant to this holy day.¹⁰⁶ Those failing to abide by the official notice would be served with salary cut, demotion, etc. During the entire month of Saka Dawa (from May to June 2007) severe religious restrictions were put in place especially in Lhasa City.¹⁰⁷ Plain clothed Public Security Bureau officials were stationed around the city and surveillance video cameras were installed around major public routes and alleys. In order to screen incoming people into the city, major security check posts were installed on the roads leading into Lhasa City from

the surrounding counties of Phenpo Lhundrup, Taktse, Toelung Dechen and Meldrogungkar. Reports from Tibet confirmed that small farmers engaging in petty businesses like selling incense and juniper leaves for religious purposes were banned from selling these items on religious days.¹⁰⁸ Children were also prohibited from attending any religious ceremonies to the extent that the Chinese government asked schools to remain open on the day Saka Dawa fell, 11 June 2006, as it was a Sunday, in order to prevent students from visiting monasteries.¹⁰⁹

Despite all the restrictions, on 19 June 2007 the Tibetan people in 3 provinces were able to commence ritual ceremonies of incense burning in an organized manner to celebrate the birth anniversary of his holiness the Dalai Lama, which falls on the fifth day of the fifth Tibetan month, per the Tibetan lunar calendar.¹¹⁰ According to reliable information received by TCHRD, at around 4:30 in the morning, Tibetan people assembled at Bharkor area in Lhasa and at Gephel Uatse hill, Sera Uatse hill and Bumpa hill, which are located at the back of Drepung Monastery, honoring the day with grand incense burning rituals and hoisting green prayer flags suiting the Dalai Lama's horoscope.¹¹¹ Chinese officials were caught unaware of the significance of the day as it does not fall on the Chinese government's prohibited day list. They were ignorant of the activities until around 6.00 a.m., when Chinese police officials at Kuru Bridge began to block people going to participate in the Bumpa hill incense burning rituals. Similarly, on 14 March 2007, Tibetans in Tibet secretly performed the incense burning ritual and prayers for the Dalai Lama corresponding to the offering of long life ceremony for the Dalai Lama that was being held in Dharamsala, headquarters of the Central Tibetan Administration of His Holiness the Dalai Lama.

The failing anti-Dalai Lama campaign

Throughout 2007, the Chinese leadership in Tibet increased the crescendo of its rhetoric against Tibet's exiled spiritual leader, the Dalai Lama. In a speech to approximately 600 party members in the regional capital, Lhasa, on 18 May 2007, Zhang Qingli, Tibet's Communist Party secretary, claimed a "transitional victory" over the influence of Tibet's exiled spiritual leader and rallied the Party to boost its efforts to quash all support for the Dalai Lama. The China-Tibet Information Centre quoted Zhang as saying:

We must have a more vigorous will to fight, a more tenacious style and do a more solid job of uniting and leading the region's various ethnic groups and throwing ourselves into the struggle against splittism... We must deepen patriotic education at temples, comprehensively expose and denounce the Dalai Lama clique's political reactionary nature and religious hypocrisy.¹¹²

Zhang even claimed that the Chinese Communist Party is the 'real Buddha' for Tibetans.¹¹³ Zhang Qingli, a strong ally of President Hu Jintao, was officially appointed as party secretary in "Tibet Autonomous Region" as of February 2007. Zhang's leadership has greatly intensified the patriotic education campaign in the monasteries and the anti Dalai Lama campaign in Tibet.

However, Zhang's actions have only served to increase the Tibetans' opposition. For instance, the 70-year-old Khenpo Tsanor, head of Dungkyab Monastery located in the Golog TAP, recently refused to sign documents condemning the Dalai Lama during patriotic re-education. "I spoke out loudly and refused to sign. I declared that I would not sign even

at the cost of my life, or risk of imprisonment, or death in a court”, Khenpo Tsanor told Radio Free Asia’s Tibetan service. He added that, under duress, he officially stepped down in mid-May.

I saw the government documents... It was written that the Dalai Lama should be thoroughly criticised and his splittist behaviour condemned. I had no intention to sign. I knew very well that all who do not sign have to face trial in a Chinese court. They even threatened that the monastery would be shut down if we did not sign the documents. Eventually, I agreed to step down from the position of chief abbot since I didn’t have any other option.¹¹⁴

Indeed, many monks and nuns have forced themselves out of their monasteries rather than obey the work teams’ orders to denounce the Dalai Lama in public. Religious believers are called upon to devote themselves to the religion they believe in. The Chinese government’s anti-Dalai Lama campaign violates the essence of religion by demanding the Tibetan religious community to love a temporal party or the government more than their religion. Today, the Tibetans’ defiance to the Chinese anti-Dalai Lama campaign continues. Although the Dalai Lama’s image cannot be seen in Tibet’s temples, monks and nuns often place the Dalai Lama’s photo within the clothing of Buddhist statues or wrap the photos up with *khatak* (ceremonial scarves) and put them in Buddhist niches. The image of the Avalokitesvara is publicly displayed as a substitute for the Dalai Lama’s image, for everybody knows that the Avalokitesvara is the Dalai Lama. In ordinary people’s homes, almost every family displays photos of the Dalai Lama. Audio and video tapes of the Dalai Lama’s speeches are secretly, yet widely, circulated.

Conclusion

In 2007, Tibetan Buddhism suffered from two primary methods of enhanced repression and control from the Chinese Communist state: (i) an expansion of the use of the tools of religious repression to include the traditional areas of Eastern Tibet, and (ii) the development and implementation of religious repression through the Implementing Measures and the Reincarnation Measures, illegitimately called ‘reforms’ by the Chinese government. The “TAR”-Implementing Measures and the Reincarnation Measures are the highlights of the Chinese religious repression in Tibet in 2007. In fact, the Chinese Communist Party government maintains tight controls through these very legal ‘reforms’ that stringently restrict religious practices and places of worship in Tibetan areas. The extreme religious repression described above and witnessed by the Tibetan people in 2007 demonstrates the failure of any claim by the Chinese that the Implementing Measures protect religious freedom. The incident of demolishing Guru Padmasambhava’s statues in the Samye Monastery and in Ngari Darchen, and the forced suspension of construction of a statute in Rongpatsa, show how adamant the authorities will be in implementing these measures to undermine the religious freedom of Tibetan. Now, severe restrictions on political and religious activities are authorized at the highest levels. The Implementing Measures signal that the prospect for religious freedom as gallantly pronounced in the Chinese Constitution is bleak, particularly considering China’s record for human rights. Given China’s commitment to ratify the ICCPR and China’s increasing center-stage position in the international arena, as well as China’s obligations under the Vienna Convention, China’s passing of the Implementing Measures clearly violates well-established international law protecting the freedom of religion. As China continues to reach out to the world, beefing up scores of political contacts and emerging as an active player in the international

arena, preparing to show her strength by hosting the Olympic games in 2008, expanding her influence and refining her diplomacy to become one of the world's great powers, she has a responsibility to ensure her respect for the human rights of all Chinese and Tibetan peoples. China should be held accountable by the international community for the violations of religious freedom clearly embodied in the Implementing Measures.

Endnotes

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- ⁴ *USCIRF Report*, p. 81 (emphasis added).
- ⁵ Information Office of the State Council of the People's Republic of China, *Regional Ethnic Autonomy in Tibet*, May 2004, <http://www.china.org.cn/e-white/20040524/index.htm>.
- ⁶ Henry J Steiner & Philip Alston, *International Human Rights in Context, Law Politics Morals, Second Edition*, New York: Oxford University Press, 2000, p. 143 (cited *infra* as Steiner & Alston).
- ⁷ The United Front is an organization within the Chinese Communist Party (CCP) that operates via branches at various levels of government throughout the People's Republic of China (PRC). For example, one branch manages contacts between the Chinese government and foreign governments regarding human rights dialogues to ensure that Beijing presents a consistent position based on prevailing government policies and Party ideology. See *Living Buddha*, p. 50.
- ⁸ *Living Buddha*, p. 50.
- ⁹ "China intensifies prohibition of religious activities in Tibet during the holy month of Saka Dawa," *Human Rights Update*, Vol. 12, No. 5, TCHRD, May 2007.
- ¹⁰ The DMCs are administrative organs established in 1962 in religious institutions in Tibet and reconstructed under the 1996 "patriotic re-education" campaign and carried out across all the religious institutions in Tibet. Although the DMCs are composed of the monks and nuns ostensibly elected by other members of the monastic community, because the members' appointment requires approval by local government officials, the DMCs in effect have undermined and supplanted the traditional hierarchical layers of authority in Tibetan religious institutions. DMCs are expected to serve the interests of the government, not the monastic community. The DMCs carry out the 'patriotic re-education' campaigns along with county PSB and government officials. The campaigns introduced a series of political texts into monastic studies as a mandatory requirement, which stressed allegiance to the State and the denunciation of the Dalai Lama. The campaigns also target and suppress any sign of political unrest in religious institutions, which are deemed a source of political dissidence.
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- ¹² *CECC Report*, General Overview, Freedom of Religion; *USCIRF Report*, p. 120; "TCHRD Annual Report 2005, Human Rights Situation in Tibet", TCHRD, January 2005, Religion Chapter, fn. 52, 53, available at http://www.tchrd.org/publications/annual_reports/2005/ar_2005.pdf; Michael Weisskopf, "Report: China Repression Worsening", *Phayul.com*, 15 October 2007, available at <http://www.phayul.com/news/article.aspx?id=18230>.
- ¹³ *Living Buddha*, p. 23 (citing Article 34 of the Implementing Measures).
- ¹⁴ See also *USCIRF Report*, p. 120 ("legal reforms, which were issued with the promise of increased religious freedom protections, have not halted abuses and are used in some cases to justify arrests and other restrictions").
- ¹⁵ In the traditional boundaries of Tibet, Eastern Tibet comprised the Kham and Amdo regions. Now it is largely encompassed by the "TAP".
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- ¹⁸ Ibid.
- ¹⁹ Ibid. See discussion *infra*, Civil and Political Rights (In the protest, the Tibetans caused significant damages to the Hui Chinese restaurants and the Chinese security police lobbed tear gas to quell the demonstration. Many Tibetan protestors were arrested.)
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- ²¹ Ibid.
- ²² See *Living Buddha*, Official Document 1, pp. 89-98 (translation of the "TAR" Measures for Implementation of the 'Regulations for Religious Affairs').
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- ²⁶ *Living Buddha*, p. 4 (citing *Xinhuanet*, March 2, 2007).
- ²⁷ *CECC Report*, General Overview and Freedom of Religion.
- ²⁸ Steiner & Alston, p. 137.
- ²⁹ When the first UN Commission met in 1947, so as to avoid controversy at the time of the Charter, the decision was made to draft a separate, bill of the substantive, specific rights in the form of a declaration – “a recommendation by the General Assembly to Member States that would exert a moral and political influence on states rather than constitute a legally binding instrument.” Steiner & Alston, p. 138; *See also Primacy of Human Rights*, p. 4.
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- ³¹ Steiner & Alston, p. 139.
- ³² “First Steps – a manual for starting Human Rights Education”, *Amnesty International*, Publication No. POL32/04/95, available at www.hrea.org/erc/Library/First_Steps/part1_eng.html.
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- ³⁴ Steiner & Alston, pp. 142-43.
- ³⁵ “First Steps – a manual for starting Human Rights Education”, *Amnesty International*, Publication No. POL32/04/95, available at www.hrea.org/erc/Library/First_Steps/part1_eng.html.
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- ⁴² *Special Rapporteur Extracts*, par. 35.
- ⁴³ Special Rapporteur on Freedom of Religion or Belief, Asma Janhangir, *Freedom from coercion, Excerpts of relevant paragraphs of 20 years mandate reporting practice (1986-2006)*, par. 51, A/60/399 (citing Views of the Human Rights Committee in *Kang v. Republic of Korea*, adopted on 15 July 2003 (CCPR/C/78/D/878/1999), para. 7.2) (cited *infra* as *Special Rapporteur-Freedom from Coercion*); “Prohibited Identities, State Interference with Religious Freedom”, *Human Rights Watch*, Vol. 19, No. 7(E), Nov. 2007, p. 85 (citing Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (Kehl and Arlington, VA: N.P. Engel, 2005)).
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RIGHT TO EDUCATION

“Literacy is a bridge from misery to hope. It is a tool for daily life in modern society. It is a bulwark against poverty, and a building block of development, an essential complement to investments in roads, dams, clinics and factories.

Literacy is a platform for democratization, and a vehicle for the promotion of cultural and national identity. Especially for girls and women, it is an agent of family health and nutrition. For everyone, everywhere, literacy is, along with education in general, a basic human right.... Literacy is, finally, the road to human progress and the means through which every man, women and child can realize his or her full potential.”

Kofi Annan

Introduction

Seventeen years have passed since the adoption of the World Declaration on Education for All by the international community at Jomtien, Thailand, in 1990¹ where it was recognised that universal education is the key to sustainable development, social justice and a brighter future. But in Tibet, education is still beyond the reach of the majority of Tibetan youth due to the unavailability of schools in rural areas, unaffordable school fees and politically oriented school curriculum. Despite China's recent massive economic growth,² the government's expenditure on education has been minimal. The Chinese government is more interested in the development of industrial infrastructure, military presence, weapons and fancy hotels in Tibet in order to paint a rosy picture to the outside world as a positive effect of the economic boom within Tibet. Ironically, China's spending on human capital in Tibet has always been extremely negligible as compared to other sectors.

Educational attainment is one of, if not the major, determiners of chances in life and an opportunity to escape poverty. With each individual's equal access to education, comes in theory, an individual's equal access to resources, opportunities and empowerment. The aggregate of each such individual's advancement brings national progress. Thus, the individual's right to education is central to right to

develop and thrive. Further, education, a right in itself is also a precondition for the enjoyment of other human rights. The enjoyment of many civil, political, social and cultural rights therefore requires a minimum level of education, which includes literacy.

The ability to have access to a basic education, a basic human right enshrined in the Universal Declaration of Human Rights (UDHR), is still beyond the reach of many Tibetan children in Tibet. The UDHR, a minimum standard of human rights, states that “everyone has the right to education and education shall be provided free of cost, at least in the elementary and fundamental stages”.³ Yet thousands of Tibetan children below the age of 18 make the perilous journey across the Himalayan ranges every year for the sole purpose of receiving education of their choice in exile which is not possible in Tibet.

China's legal obligations

The state parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the United Nations Convention on the Rights of the Child (CRC) entitle everyone with “the right to education without any discrimination”⁴ and “to achieve the full realization of this rights, state parties have to make primary education compulsory

and available free for all”.⁵ The two conventions further urged the state parties to “make secondary and higher education available and accessible to all on the basis of capacity by every appropriate means and in particular by the progressive introduction of free education”.⁶ The PRC ratified the ICESCR on 27 March 2001 and the CRC on 2 March 1992 and as such is legally bound to ensure that no individual is deprived of these basic rights to education.

The sentiments of these international treaties are also reflected in China’s own domestic laws. China’s constitution requires the government to “make primary education compulsory and universal, develop secondary, vocational and higher education and promote pre-school education”⁷ and urged the state to “develop educational facilities of various types in order to wipe out illiteracy”.⁸ The Constitution⁹ and the Education Law of the PRC¹⁰ both guarantee to its citizens “the right to receive education irrespective of one’s nationality, race, sex, occupation, property or religious belief etc.” The Education Law of the PRC further adds that, “The state shall help all minority nationality regions develop educational undertakings in light of the characteristics and requirements of different minority nationalities”.¹¹ China classifies Tibetans as one of its fifty-five so called “minority nationalities” as such China is legally obliged by its own law to ensure all Tibetan children in Tibet receive a proper education as guaranteed in its education law.

Aberrant education policy

From 1980 to 1998, the National People’s Congress (NPC) enacted six national education laws¹² including compulsory education law of People’s Republic of China (PRC). All of these laws echo the universal requirement of compulsory primary education and development of secondary and higher

education. The Compulsory Education Law of the PRC was enacted by the fourth session of the Sixth National People’s Congress on 12 April 1986 and was made effective from 1 July 1986 in China. While in “Tibet Autonomous Region” (“TAR”) the compulsory education was implemented only in 1994.¹³ According to the Compulsory Education Law of the PRC, “All children who have reached the age of six shall receive compulsory education regardless of sex, nationality or race”.¹⁴ The Education Law of the PRC also requires the government to “apply a system of nine-year compulsory education and government at all levels shall take various measures to guarantee school-age children and adolescent receive education”.¹⁵ However in Tibet, nine-year compulsory education was not implemented seriously. Government doesn’t bother to check whether the policy is seriously implemented, how many children benefited from the policy and how many children actually complete the full nine-year compulsory education criteria.

Despite all the legal guarantees and pledges to universalize ‘nine-year compulsory education’ and eliminate illiteracy among the young and middle-aged population, education in Tibet continues to remain beyond the reach of the majority of Tibetan children. The Compulsory Education Law emphasizes that “state shall not charge tuition fees for students receiving compulsory education”¹⁶ and Education Law further state that “state shall provide financial aids to poor children who are eligible for schooling”.¹⁷ Unfortunately these policies did not benefit the Tibetans due to the devolved system of administration for schools in rural areas where parents have to bear the cost of the primary education with only minimal support from county-level governments. The 80 percent of the Tibetan population still lives in rural areas and hence Tibetan children are disadvantaged from reaping the benefit of compulsory education policies.

The Chinese government claims that they are providing free primary and middle school education to its citizens under the “Nine Years Compulsory Education”. However, in contrary to their claims, the Tibetan students have to pay ‘miscellaneous fees’ in the primary school and hefty tuition fees when they go for middle and higher education. The Tibetan students who come from semi-nomad families are the ones most affected by these exorbitant tuition fees. Some parents even sell their livestock and properties to meet the fees required for sending their children to school.¹⁸ Despite the establishment of legal frameworks for education by the PRC, in Tibet there is widespread non-cooperation with the above national education laws. The central and local governments violate the laws by imposing illegal fees on students, discriminating against underprivileged students and by not allocating sufficient funds for running the schools.

In addition, both the central and local governments make every effort to implement in schools the Marxism-Leninism and Mao Zedong’s thoughts as a basic principle for the development of a socialist education, which is enshrined in most of the education laws.¹⁹ In 1998, the theory of Deng Xiaoping was also incorporated as part of the basic principles required to be taught into the Higher Education Law.²⁰ Schools are required to offer, and students are forced to take courses in political ideology. While the decision making power on institutional reform and important policy according to the Higher Education Law, is vested in the hands of the Chinese Communist Party (CCP) General Committee, to ensure the implementation of the party’s policies and objectives.²¹

The interviews taken by TCHRD in 2007 support and corroborate that these illegal practices continue to exist against Tibetan students even in 2007. Dekyi Wangmo, a 12-year old from Rekhorewa Village, Thopa Township, Chamdo County, “TAR”, told

TCHRD,

I had heard that under nine-year compulsory education, we will be fined by the authorities if we didn’t attend the school. I attended the school for 3 years, but later dropped out of the school as I didn’t learn anything and the teachers were not qualified enough and didn’t teach us well. They just passed their time in the school and were not interested in imparting the education to us. The nine-year compulsory education was just a mandatory requirement imposed by the Chinese authorities on Tibetan children and was not implemented seriously.²²

A 25-year-old, Kundak from Lhokar Village, Rigma Township, Chabcha County, Tsolho “TAP”, Qinghai Province testified to TCHRD,

I joined the primary school in Rigma Township at the age of 13 and paid 1300 Yuan as fees for one semester and 2600 Yuan for one year. In addition to fees, I paid one sheep, butter and cheese every year. After finishing my six year elementary education at the age of 19, I joined middle school and fees for middle school were 1400 per semester and 2800 for a year. However, I dropped out of school after one year as my family could not afford the exorbitant fees levied by the school authorities.²³

Further, the government has used the nine year compulsory education to harass Tibetans, often by forcing parents to send their children to school and pay the fees that they cannot afford. Those parents who fail to send their children to school are made to pay fines irrespective of their financial condition. In some cases, the fines exceed the school fees. Tsering Tsamchoe, a 33-year-old from Chamboche Village, Rongshar Township, Dingri County, Shigatse Pre-

fecture, “TAR”, who came into exile to enroll her children in the Dalai Lama run schools in India, told TCHRD,

In my village, every family is forced to send their children to school under nine-year compulsory education system or else has to pay 3000 Yuan as fine. Though these days, the Chinese government does not charge tuition fees for primary education, but for middle and high school, fee is so high that it is impossible for the farmers to afford for their children.²⁴

Poor parents who cannot afford the payment of fees in cash are sometime made to pay in kind. A 15-year-old Kalsang Dorjee from Damshung County, Lhasa City, one of the survivors of the recent Nangpa Pass shooting incident on 18 October 2007,²⁵ testified to TCHRD that, “I went to school in my county for three years. As my family was poor, we could not afford to pay the school fees. Hence, my family was made to pay one sheep for one semester and 2 sheep for a year as a fee for my schooling”.²⁶ Some children are even made to perform uncompensated physical labor in exchange for admission to primary school”.²⁷

Moreover, the Chinese government modifies its educational policies to meet its separate and distinct regional objectives in its occupied territories such as Tibet. These policies often result in exclusionary or discriminatory practices in the schools. In Tibet, the Chinese use the educational policy to contain regional ethnic resistance against the communist government and maintain national unity. The use of Chinese language as a medium of instruction and non-existence of Tibetan history, religion and culture subjects in school curriculum are some of the key examples of Chinese policies of sinicization in Tibet. The limited availability of minority language textbooks and no-existence of schools in most of the rural areas of Tibet are evidence of the

government’s lack of commitment to honestly implement education policies in Tibet. All of these practices are China’s broader policies to completely assimilate Tibetan people into Han Chinese culture. The aim of education in Tibet is to “inculcate love for motherland and communism” and to foster “patriotic Tibetans who will serve the motherland” rather than producing independent thinkers. The true intent behind Chinese government’s educational practices in Tibet was clearly reflected in the speech of the former “TAR” Party Secretary Chen Kuiyuan at the fifth Regional Meeting for Education in “TAR” on 26 October 1994 where he candidly said;

The success of our education does not lie in the number of diplomas issued to graduates from universities, colleges, polytechnic schools and middle schools. It lies, in the final analysis, in whether our graduating students are opposed to or turn their hearts to the Dalai clique and in whether they are loyal to or do not care about our great motherland and the great socialist cause. This is the salient and the most important criteria for assessing right and wrong, and the contributions and mistakes of our educational work in Tibet.

Statistics versus reality

According to figures available on the 2007/2008 Human Development Report of the United Nation Development Programme (UNDP), China was placed at 81st spot in the Human Development index²⁸ with a 0.777 and an education index²⁹ of 0.837.³⁰ As per the report, the national adult illiteracy rate in China is as low as 9.1%.³¹ But the illiteracy rate in Tibet continues to be as high as 54.86% and was highest among all the 31 provinces in China.³² The gender discrepancy³³ in Tibet was

16.81% against the national average figure of 9.73%.³⁴ China used to boast of the high school enrollment rate in Tibet. But the reality is different from their claim. The combined enrollment of new students for primary, secondary and high schools in 2005 fell to 121,938 from 122,073 in 2004.³⁵ Though the drop in enrollment appears negligible, in reality the enrolled students constitute mostly Chinese, as the majority of schools are located in cities and 80 percent of Tibetans still live in rural and nomadic areas, where the number of schools is minimal.

Even the figures are misleading if we consider the state of education and literacy in different Chinese provinces. Education standards vary widely throughout the country with western and rural areas often failing to reap the benefits of the pledges and commitments made by government for the development of education. The 2005 China Human Development Report reveals that Tibet ranked lowest among the 31 provinces of China in the Education index with 0.478³⁶ while in Chinese inhabited provinces like Shanghai and Beijing, the education index was as high as 0.908 and 0.926³⁷ These figures further corroborate the speculation that there is a government bias towards areas inhabited by Han Chinese.

TCHRD's assessment of the figures provided in the Tibet Statistical Year Book and other reports is that the numbers provided for Tibet are all vague and spurious. The data were manipulated and fabricated by the local officials to receive applause and praise from the higher authorities and the higher authorities in turn, do nothing to check this malpractice as it serves their purposes in presenting the government's development work in the education sector to the outside world. TCHRD received many cases where school drop-outs are made to attend school on the specific day when the government officials visit school, to present the strength of school enrollment. Kalsang Dorjee a 15-year-old

from Damshung County, Lhasa City, testified in an interview with TCHRD as under,

I left school after attending for 3 years due to poor financial condition of the family and lack of quality education in the school. The teachers mostly comprised of Chinese and were not serious in teaching. I felt no use of learning and left the school. However, even after dropping out of the school, Tibetan children like me who do not go to school, were forced to attend the school whenever higher officials or leaders visit the school. We were even made to do exercise drill during the visit. Due to fear, we all attend the school whenever school and local government authorities call us.³⁸

A similar incident was also reported this year in October/November 2007, when local authorities and teachers of the Hargey Township, Kangtsa County, Tsochang "TAP", Qinghai Province issued an official directive to the public, ordering them to send their children between the ages of 7 to 20, who were working as cowherds, shepherds and in the farms to gather at the school during the visit of Education Department officials. The congregated children were then given school bags and stationery and were made to stay for the whole day at the school until the end of the officials' visit. The school authorities also submitted progress report and false student enrollment numbers to the officials. The Education Department officials later praised the local authorities for their work in the development of education and allotted a large number of funds for them. The children were released to return to their respective homes only after the departure of the officials from the town. Such an incident was a regular practice for the children in Hargay Township whenever the high officials visit the town. Similar incidents were also reported this year in Themchen County, Tsonub "TAP", Qinghai Province.³⁹

Rural and Urban disparity

The People's Republic of China set a goal in 1985 that 4 percent of GDP will be spent on education by 2000. However the proportion of funds spent on education in 2002 was only 3.4%, which is below their set target and lower than the international average.⁴⁰ In addition, the minimum funds allocated for the development of education in Tibet are mostly diverted to schools in the urban areas which predominantly comprise of Han Chinese. Due to wide disparities in the allocation of government funds, rural and nomadic areas where 80 percent of Tibetans live, Tibetans still do not get the required government funds for the development and running of the schools.

In addition, the Chinese policy of a devolve system of administration for schools has further widened the disparities in education facilities between rural and urban areas. Under this system, the administration and financing of primary schools is delegated to townships and villages, where costs on a local level are usually shared between the local government and parents.⁴¹ Local governments in turn attempt to pass the burden onto parents in the form of miscellaneous fees. This is done in spite of the regulation enshrined in the Compulsory Education Law of the PRC that “the state shall waive collection of school fees from students receiving compulsory education and shall set up student grants to help needy students enter school”.⁴²

Due to this system, expenditures on local education at least for primary schools, naturally depends on the financial capacity of the local government and parents, so richer economic areas have more disposable resources to support education. According to the Tibet Statistical Yearbook 2006, the annual per capita net income of rural residents for 2005 is a mere 2078 Yuan while the annual per capita disposable income of urban residents is 8411 Yuan.⁴³ The

fact that 80 percent of the Tibetan population lives in rural areas and have low incomes, in turn leads to limited resources to support education. The education in urban areas is far better than in rural areas and it is not a surprise to find schools in Lhasa and other big cities that are generally better funded and administered than their rural counterparts.

In 2007, TCHRD received personal reports from children who have come from rural Tibet about the lack of schools in their villages while some schools available are at great distances from their homes. Dekyi Wangmo, a 12-year-old from Rekhorewa Village, Thopa Township, Chamdo County, Chamdo Prefecture, “TAR”, testified with TCHRD,

There is no school in my village, though more than 50 families are residing in the village. The nearest school is in the town and takes 3 hours by walk to reach the school. Very few people in my village have been to school.⁴⁴

Another girl called Dolma Sangay from Rogta Township, Sog County, Nagchu Prefecture, “TAR” told TCHRD, “My village does not have any school. The nearest school will take 15 days by foot. There is no good road and road accident often happens”.⁴⁵

As per the Education Law of the PRC, the establishment of the schools and other educational institutions require a qualified teacher, teaching and learning rooms and funds necessary for the operation of the school.⁴⁶ But the few schools available in rural Tibet mostly do not meet the minimum requirements set by the law. Schools in rural Tibet do not have enough classrooms and the available teachers are not qualified to teach. Most of the schools in rural Tibet are in abysmal state. Neither are there any basic amenities like proper drinking water and health care. According to Dorjee, an 18-year-old who was a teacher at the primary school

for two years in Tsolung village, Ngari Prefecture, “TAR”,

The condition of the school in which I taught was in a pathetic state. The classrooms were all in a dilapidated state. The chairs, desks and the black-boards were all broken and out of order. Even the staff quarters were all torn out, with cracks on the roof and wall. I am the lone teacher in the school and taught Tibetan, Chinese and Math to more than 30 students for two years. I was paid a meagre salary of 175 Yuan per month by the local Chinese government which is the lowest salary for any teacher in Tibet.⁴⁷

In addition, the teachers do not care about teaching the students. Dawa, a 19 year old from Rongshar Township, Dingri County, Shigatse Prefecture, “TAR” complained,

Teachers in my school do not teach well. Some teachers teach orally for few minutes without writing anything on blackboard and then leave the classroom. Some teachers come in the classroom with mug and thermos flask and keep on drinking hot water for whole period and teach nothing, while some teachers were busy reading novels and ask us to study by ourselves from the textbook.⁴⁸

Students in rural Tibet drop out of school after just a few years of schooling and return to their families to help their parents on the farm and with household chores. The quality of education is so poor in the rural schools that parents cannot justify the financial and temporary sacrifices necessary for the children to attend the school. Three orphans⁴⁹ who recently arrived from Gyatso Village, Chamdo Prefecture, “TAR” who have never been to school in Tibet, told TCHRD,

None of us have ever been to school as our parents cannot afford the high fees and the school was one hour walk distance from our home. Moreover our parents fear that by sending us to school, we will inherit the ways and thinking of Chinese and forget the Tibetan culture and way of living as the schools in Tibet only teach Chinese language, Chinese national anthem, Chinese history and culture.⁵⁰

The government’s resources generally do not reach the rural areas to improve the quality and accessibility of education. Most of the schools in urban areas are better funded and administered as the government pays more attention to them and much of this can be correlated with the fact that the number of Chinese settlers living in these areas is higher than in the poor rural areas. Students from urban areas have reported that their schools were well furnished and the teachers are more qualified.⁵¹ In addition, the government gives more importance to the development of secondary schools than primary schools, and the secondary schools are located mostly in the urban areas. Schools available in rural areas are mostly built by the villagers themselves with their own labour and donation and the villagers are required to bear the cost for the maintenance of their school.



One of the Tibetan school in rural Tibet

However, it was also reported number of times that a wide disparity exists in the urban schools between the treatment of Tibetan and Chinese students, a fact related to the students ethnic background. Tibetan students are treated as dumb and are often abused by the Chinese teachers as well as by Chinese students. They are not taught well and are sometimes subjected to corporal punishment. Tenzin Choedhar, a 16-year-old from Lhasa reported,

Some Chinese teachers abuse the Tibetan student with harsh words and don't care to teach them. The Chinese students receive more respect and are taught well while Tibetans are treated as second rate students in the school and were always ignored by the teachers.⁵²

The cost of education increases with the increase in school level. Many students drop out of school after few years of schooling due to unaffordable fees charged for their higher education. Dorjee, an 18-year-old from Tsolung village, Ngari Prefecture, "TAR", was forced to discontinue his education after one year study in high school. He testified with TCHRD,

I joined the elementary school in County at the age of 10 and finished my 6th standard. No fees were charged for the elementary education. However, in middle school, the school authorities charged 600 Yuan per semester, which included the cost of books and school uniform. We had to attend two semesters per year, which meant I had to pay 1200 Yuan for a year. Since my school was located quite far from my home, I stayed in the school hostel. Hence, I had to pay additional 150 Chinese Yuan per year as hostel fees. After completing my three years in middle school, I joined high school at the same school. The fees for high school are much more than the middle

school. The fees are as high as 1900 Yuan per semester and 3800 Yuan for one year. After finishing my first year in high school my parents withdrew me from the school. I was forced to discontinue my education, as my parents could not afford the exorbitant fees charged by the schools' authorities.⁵³

As seen from the above example, the high illiteracy rate and low school enrollment of Tibetan children in Tibet are due to a number of factors, the most important being the lack of government funding, which results into the imposition of exorbitant school fees on Tibetan students or pressure on their families to fund schooling. In theory, the various education laws of China restrict the state from charging tuition or school fees.⁵⁴ However in practice, local school authorities do not adhere to these regulations and Tibetan children always pay fees, whether in the form of tuition fees or "miscellaneous fees" for admission, registration, desks, chairs, books, uniforms and fines for alleged misbehavior, and in some cases for the salaries of teachers as well. Those children who cannot afford the fee must perform physical labour, such as cleaning the toilet which clearly violates the Convention on the Rights of the Child where "state parties recognize the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child education".⁵⁵

In addition to the exorbitant school fees, the parents of the children going to schools in urban areas have to bear a present or bribe to the teachers, so that their child receives a good education. In Tibet, it is normal practice for teachers to take special care in teaching the children whose parents give presents and to ignore those children whose parents can not afford a present. The UN Convention on the Rights of the Child has clearly urged the state parties to "make primary education available free to all"⁵⁶ and

China is clearly in violation of this universal standard. China being signatory to the convention, is legally bound to adhere to its requirements and must provide free education to all including Tibetan children.

The role of *Hukuo*,⁵⁷ *Guanxi*,⁵⁸ and bribes

In Tibet, *Hukuo*, *Guanxi* and bribe play significant roles in the education sector and determine whether children are at all admitted to schools and whether they are actually taught once they are admitted. The school fees in Tibet generally depend on whether the children possess *Hukuo* (Ch.) or household registration cards (Tib: *Themto*). The fees are greatly reduced for those having registration cards. The students from nomadic areas and/or those from remote areas like Amdo and Kham, and those children born in violation of the “family planning”⁵⁹ norm do not have registration cards. Hence, they face problems in attending school, and if enrolled, have to pay much higher fees than others.

However, through bribes and political connections or *Guanxi* (Ch.), the necessary registration cards can be acquired. Chinese students buy the registration cards by paying bribes to the officials or through their political connections. With this card, many Chinese students from mainland China enrolled themselves in schools and universities in the “TAR”. The minimum percentage requirement for a university in “TAR” is lower than the universities in mainland China. Hence, Chinese students having registration cards sit in the exams and take away the seats which are basically meant for Tibetan students.⁶⁰ This unfair practice by Chinese students deprives many Tibetan students’ opportunities in education and employment sector and has negatively led to high drop out rate from the schools. Tenzin

Choedhar from Lhasa told TCHRD,

One of my friends from Meldrogungkar County, was qualified for the higher section which means he was entitled to receive admission in Tibet University. But the authority denied him a seat in Tibet University as he did not have *guanxi* and was demoted to lower section. Finding no alternative, he joined Vocational College in the city.⁶¹

After passing elementary schools, students having a household registration card are entitled to study in higher school in mainland China. However, to reap that benefit one needs to have good connections with officials [*guanxi*] or one has to offer bribes. Numerous cases were reported to TCHRD about the school authorities tampering with the grades and giving the seat to those having some connection or to the children of government officials. 19 year-old Phuntsok Dorjee from Paetso Village, Dingri County, told TCHRD,

The children in my village are entitled to study in mainland China after primary school. But rarely do children from my village receive that opportunity. The teachers do not show the obtained marks of a student in the sixth grade exam to the parents and students. They just tell the student, “you did not pass the exam, and now go to work in the farm”. The teachers have become like traders in our region. They tampered with the names of the students in answer sheets and gave the seats to rich and affluent families who offered them money or presents or to the children of the government officials having *guanxi*.⁶²

Moreover, the Chinese students in “TAR” having household registration cards sit in the entrance exams and take away the seats which are meant for

Tibetans as they are more proficient in Chinese language than Tibetan students because Chinese is their native language.

School curriculum

According to the Convention on the Rights of the Child (CRC), “the education for the child shall be directed to full development of the child’s personality, talents and mental and physical abilities to their fullest potential.”⁶³ The convention further urged “the state parties to use the education for the development of his or her own cultural identity, language and values.”⁶⁴ But education in Tibet does not conform to this reality for the Tibetan people. Education is used by the Chinese government as a tool to tighten its hold on Tibet. The syllabus is designed to inculcate love for “communism” and “motherland” and denunciation of the Dalai Lama.

The convention on rights of children (CRC) has specifically mentioned that a child belonging to any minority or indigenous group shall not be denied the right to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.⁶⁵ But Tibetan students in Tibet are deprived from enjoying those rights as stated in the convention to which China is a state party. The content of the education does not contain Tibet’s history, religion and culture as China deems a separate Tibetan identity consciousness dangerous, anti-Chinese and potentially extremist. Tibetan students are instead indoctrinated into Chinese communist ideology and are prohibited from manifesting their cultural and religious identity. The medium of instruction is mostly in Chinese language. Even the syllabus of Tibetan language class continues to focus on Chinese history and communist ideologies and no reference is made to Tibetan culture and history.

Numerous cases were reported to TCHRD by students from Tibet of Chinese teachers who impose the Chinese way of thinking and communist ideologies on the minds of Tibetan students during teaching and assembly sessions. Lobsang Tashi, a 13-year-old from Lhasa told TCHRD,

The principal of our school is Chinese and he always narrates the speeches of Mao Zedong and Deng Xiaoping during morning assembly and school meetings. He asked students to follow the concept of socialism and oppose the capitalist system.⁶⁶

Not only is the celebration of religious festivals banned in schools, but students are forbidden from wearing sacred amulets and using prayer rosaries.⁶⁷ Students were warned against visiting temples, circumambulation of Barkhor and participating in incense burning ceremony during special religious festivals like *Saka Dawa*, *Gaden Ngyamchoe* and the Dalai Lama’s birthday. If any student were found to have taken part in the ceremonies, he would be expelled from the school.⁶⁸

Discrimination against the Tibetan language

The Constitution of the PRC guarantees “the people of all nationalities, a freedom to use and develop their own spoken and written languages”.⁶⁹ And the Education Law of the PRC further states that “schools or other educational institutions consisting of students from minority can use in education in the native language commonly adopted in that region.”⁷⁰ However in reality, the education practice in Tibet and the laws of China contradict each other. Despite laws and regulations, the Chinese language is used, instead of Tibetan as the “medium

of instruction” in the schools and for all official and judicial purposes in Tibet. The Tibetan language continues to face discrimination in schools as well in job sectors, forcing Tibetans to write, speak and study the Chinese language out of compulsion.

As per the Law on Ethnic Minority Education, “students, who have used textbooks in an ethnic minority language, graduate and apply for admission to higher level of school, can fill in the test paper using their own ethnic language”.⁷¹ But in practice, the entire entrance exam in Tibet for higher education in mainland China as well as for admission to secondary school, high school and university are conducted in Chinese because all education at higher levels is imparted in Chinese. This creates barriers for Tibetan students in advancing to secondary and higher education as their level of study in Chinese language in primary schools is not as good as that of their Chinese counterparts. Tibetan students are taught low level of Chinese language in primary schools while Chinese students are taught higher level of Chinese as they don’t need to study Tibetan language.⁷² Due to this hurdle, many Tibetan students are unable to continue their higher studies, resulting in high dropout rate from schools after elementary education.

Tibetan students who have been to schools in Tibet report about Chinese teachers often advising Tibetan students to devote more time for studying Chinese language and discourage them from learning the Tibetan language. Some Chinese teachers’ even scolded Tibetan students for studying the Tibetan language, telling them that “Tibetan language is practically of no use, and if you study Chinese, you will get job more easily after school.” During the TCHRD interview with Dorjee, an 18 year old from Tsolung village, Ngari Prefecture, “TAR”, he told,

In our school, the Chinese language is given more importance by conducting teaching

extensively in Chinese, while Tibetan was considered a secondary language. Moreover, the teachers tell us that, “without the proper knowledge of Chinese language, one will find difficulties in finding job in future, and hence one has to be proficient in the Chinese language”. They also say that, “Tibetan being a secondary language is not of that much use in the future; hence it won’t matter if you don’t study Tibetan seriously”. The school authorities also cut the teaching session of Tibetan language down to thrice a week. The remaining sessions were allotted for teaching Chinese language and other subjects.⁷³

Rigzin Choedon, a 26 year old told TCHRD that “in my school every application needs to be written in Chinese language. If anyone write the application in Tibetan language, his application won’t be considered. Moreover, a person with modest command in Tibetan language but without knowledge in Chinese language is regarded ‘illiterate’ in the society”.⁷⁴

Tibetan language has become moribund and a *‘lingua non grata’* in Tibet, while Chinese language is used as a mainstream language, not only in schools, government offices, post offices and banks, but also in daily life for Tibetans in Tibet. Use of the Tibetan language alone will not permit one’s to fetch daily bread and butter in Tibet without the required knowledge of the Chinese language. The late Khenpo Jigme Phuntsok of Serthar Institute has stated in his book “**Thunderous Secrets to the People of the Snowland**”⁷⁵ that:

...the Tibetan language has no value in present-day Tibet. For instance, if a letter was mailed with an address written in Tibetan, it wouldn’t reach its destination even within Tibet, let alone outside. In the

case of travels, no matter how literate a person is in Tibetan, he would not be able to know the bus timing or read the seat number on his ticket. Even if one has to look for a hospital or a shop in the county headquarters or a city, the knowledge of Tibetan is useless. A person who knows only Tibetan will find it difficult even to buy daily necessities. If our language is useless in our own country, where else will it have any use? If the situation remains like this for long, the Tibetan language will become extinct one day...Rare in Tibet are schools where one can study Tibetan language and culture.

TCHRD has witnessed a number of newly arrived Tibetan children who cannot speak Tibetan, although their both parents are Tibetans. If the present trend continues, there is every possibility of Tibetan language being completely wiped out in Tibet.

“Patriotic re-education” in school

The Chinese government, in order to tighten its hold in monasteries and religious institutions launched “Patriotic re-education” campaigns in 1996, where monks were forced to undergo “re-education” and made to study six books⁷⁶ on “patriotic re-education” leaving aside their regular religious study and rituals.⁷⁷ In the past the “re-education” campaign was mostly limited to the religious institutions. However, the “Patriotic re-education” campaign is now being extended into wider sections of society including schools during the last two year. A recently arrived student from Lhasa, Tenzin Choedhar testified to TCHRD,

The work team officials visit my school every year to propagate the ‘patriotic re-

education’ campaign. We were taught to vilify the Dalai Lama, oppose ‘splittist’ group and were taught that ‘Tibet is an integral part of China’. We were given materials to study and to take a test once every year. If we fail in the test, we will be expelled from the school. Hence, the teacher gives us the slips to copy during the test, so that we can escape from expulsion.⁷⁸

Another student from Lhasa city, a 14-year-old Nyima Tsering told TCHRD,

In our school, we are not allowed to wear amulet thread and the Dalai Lama photo around the neck. The school authorities come to class every three week and check whether the students are wearing amulet thread and the Dalai Lama photo. If the authorities found any students with those restricted items, he or she was scolded, abused and even beaten. The ‘work team’ officials come to our school and the students are made to write essay condemning the Dalai Lama. We were restricted from observing *Saka-Dawa* and were even prohibited from participating in incense burning ceremony (Tib: *Sangsol*). We were warned that if the authorities found any student violating the decree, he would be expelled from the school.⁷⁹

Government clampdown on Tibetan children

In 2007 in Tibet, severe restrictions on religious activities were imposed by China against school-going Tibetan children. Tibetan students were prohibited from participating in important religious festivals like *Saka Dawa* and *Gaden Ngyamchoe*, birth-

day of the Dalai Lama and the 11th Panchen Lama Gedhun Choekyi Nyima.⁸⁰ On 14 May 2007, three days prior to the holy month of *Saka Dawa*, Lhasa City Committee members called a meeting of the parents of school going children and ordered the school children against visiting monasteries, *Barkhor* area, from circumambulating and wearing amulet thread during *Saka Dawa* which began on 17 May 2007. The committee members warned that those failing to abide by this order would be served with expulsion from school.⁸¹ Tenzin Choedhar, a 16-year-old from Lhasa, who was in school at that time testified with TCHRD,

During the special religious festival like *Saka Dawa* and *Gaden Ngyamchoe*, we were prohibited from visiting temples and *Barkhor* areas. Any students found taking part in the festival get recorded in the 'surveillance cameras'.⁸² The authorities then investigate the students' whereabouts and expel them from the school.⁸³

In addition, seven teenage Tibetan boys⁸⁴ aged between 14 and 15, were detained in Gannan Prefecture in Gansu Province, on 7 September 2007, after their writing of graffiti calling for the Dalai Lama's return to Tibet was found scribbled on walls. According to a Human Rights Watch report, one detainee, a 14 year old boy was reportedly beaten badly during or after the arrest. He was bleeding



Bora Secondary School in Amchok Village

profusely during the visit of his relatives. The police refused to allow relatives to move the injured boy to a hospital unless they returned him within two days and paid 5,000 Yuan (\$600) in advance. The family was unable to pay the ransom demanded by the police. All the boys were later transferred to *Xiahe* (Labrang) County on 10 September 2007. To date, there is no information on their whereabouts. All the boys were from nomad families and studying at a secondary school in Amchok Bora village.⁸⁵

The state parties to the UN Convention on the Rights of the Child (CRC) are asked to respect the right of the child to freedom of expression⁸⁶ and freedom of thought⁸⁷. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment⁸⁸, or detained unlawfully or arbitrarily⁸⁹. Detention of a child shall be used only as a matter of last resort and for the shortest possible period of time.⁹⁰ Detained children have the right to contact with his or her family⁹¹ and to prompt legal access.⁹² China, despite ratifying the CRC on 2 March 1992, continue to violate the rights of children, which are expressly protected in the convention.

The Nangpala shooting incident of last year, where the border patrol officers of the Chinese People's Armed Police (PAP) shot at a group of 75 unarmed Tibetan refugees⁹³, was sadly re-enacted in October 2007, when a group of 46 Tibetans were shot at while attempting to flee Tibet via the Nangpala Pass.⁹⁴ The incident left the arrest of 11 missing people who are presently detained at Shigatse Prefecture Detention Centre as per the information received by TCHRD from one of the survivor of the incident.⁹⁵ Another survivor of the incident, Kalsang Dorje, a 15-year-old from Lhasa told TCHRD,

When we reached near the Nangpa La pass around 11 am on 12 October 2007, we saw three people coming towards us. We

took them as our lost companions and waited for them. After some time, we found those three people heading toward us were not our lost companions but the Chinese soldiers with guns. Suddenly, our guide shouted, “run for your life, it is Chinese armies”. The two armies were in their uniforms, and one armyman was wearing the coat of our lost companion from Sog County. We all ran in different direction leaving behind all our belongings there. At that time, the Chinese army men fired three gun-shot at us. Fortunately, no one was hurt. I saw our three companions being arrested by the Chinese.⁹⁶ After two days, we all 35 people safely reached Kathmandu based Tibetan Reception Centre on 14 October 2007. However, the whereabouts of the remaining 11 people are not known to us.⁹⁷

TCHRD received details of those escapees from the Dharamsala based Tibetan Reception Centre and found that 25 of them were children below the age of 18 years, and 20 of those 25 came into exile only for education in the Dalai Lama run schools in exile, while 4 of them came for monastic education.⁹⁸

This year also saw the Tibetan children forcibly taken to China for indoctrination as a part of the Chinese government’s major preparations for the Beijing 2008 Olympics Games propaganda. An eyewitness from Dartsedo County, Kandze “TAP”, Sichuan Province, has recently reported to *phayul.com*, a Tibetan news portal that “Tibetan teenagers between the ages of 8 to 13 were forcibly taken to China for propaganda indoctrination. Every Tibetan child within that age range is trucked into China; there is no choice, the Chinese are forcibly transporting to China Tibetan kids en mass. Kids from all the nomadic regions are being taken away forcibly by the Chinese.”⁹⁹

Conclusion:

China has earmarked 10.6 billion Yuan (136 billion U.S dollars) for rural education during the campaign of the nine-year compulsory education. According to government claim, the fees and textbook expenditures for all rural school children will be covered under the budget.¹⁰⁰ Contrary to their claim, TCHRD still receives testimonials from Tibetans in rural Tibet complaining about lack of schools in their village. The Tibetan children in rural areas have to walk more than two hours to reach the nearest school. The school authorities are charging tuition fees under ‘miscellaneous’ expenditure for buying books and other stationeries. The content of the education is designed to indoctrinate the communist ideologies into the minds of young Tibetans. Tibetan students are prohibited from manifesting their own culture and religion in schools. Those rural areas with natural resources were once with best road networks built by the Chinese government for their extraction projects. Those far flung rural areas with no natural resources have still remained untouched or not linked to the neighboring towns and cities. The poor rural areas in Tibet still do not have adequate schools, electricity and hospitals. This is a mockery of the Chinese government’s claim of pouring in huge investment for the overall development of Tibet.

Thousands of Tibetans come into exile every year in search of better life and freedom which is denied in their own land. Majority of those escapees constitute of children, whose sole purpose of coming into exile is to seek better education in exile which is not possible in Tibet. This year alone, 2338 Tibetans were reportedly registered as refugee in India, as per the figures available with Dharamsala based Tibetan Reception Centre. Of them 1046 (44.73%) were children below the age of 18.¹⁰¹ If education opportunities did exist in Tibet, then those children wouldn’t have made the arduous and perilous jour-

ney into India by paying hefty sums of money to guides. The escapees, in order to hide themselves from the border police, often travel during the night and sleep in the day.¹⁰² Frostbite, starvation, death, arrest and maltreatment by border security officials on both side were common risks they undertake during their backbreaking travel. The Tibetan escapees even after leaving Tibet face the risk of deportation¹⁰³, arrest and fine in the host countries.¹⁰⁴

TCHRD continues to receive reports of harassment faced by the parents of those children studying in the Dalai Lama's schools in exile in India. The parents were coerced to bring back their children to Tibet or face hefty fines if they fail to do so.¹⁰⁵ The government officials are facing prospects of losing their job if they ever try to send their child to India for receiving education.¹⁰⁶ However, despite enormous hardships and dangers, many children still continue to pour in exile for the sole purpose of receiving better education they couldn't find in their homeland.

According to government mouthpiece, *Xinhua*, the Chinese government is planning to invest more than 100 billion Yuan (US\$ 13 billion) for developmental projects in the rural areas of "TAR" by 2010.¹⁰⁷ However, the large part of the fund will be used for the development of infrastructure including an airport in Ngari and the extension of the Golmud-Lhasa railway line as per Chinese official report. Only 10% of the fund will be used in education, social security and environmental protection. Tibetan Centre for Human Rights and Democracy (TCHRD) is highly skeptical about the Chinese government's recent investment plan and express serious concern about whether the allotted funds will be used at all for promoting education in nomadic and rural areas inhabited by Tibetans.

Endnotes

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- ³ Universal Declaration of Human Rights, Article 26 (1)
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- ⁶ International Covenant on the Economic, Social and Cultural Rights, Article 13 (2. b, c); Convention on the Rights of the Child, Article 28 (1. b, c)
- ⁷ Constitution of People's Republic of China, Article 19
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- ¹⁵ Education Law of the People's Republic of China, Article 18
- ¹⁶ Compulsory Education Law of the People's Republic of China, Article 10
- ¹⁷ Education Law of the People's Republic of China, Article 37
- ¹⁸ Interview with Kalsang Dorjee from Lhasa, November 2007, Dharamsala
- ¹⁹ Education Law of the PRC, Article 3
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- ²¹ Wing-Wah Law, "New Rules of the Game in Education in the

- People's Republic of China," *Chinese Education and Society*, May/June 1999/Vol.32, No.3, p. 7
- ²² Interview with Dekyi Wangmo from Chamdo County, November 2007, Dharamsala.
- ²³ Interview No# 1, April 2007, Kathmandu.
- ²⁴ Interview No# 8, March 2007, Kathmandu.
- ²⁵ "Nangpala Revisted- Shooting left nine Tibetans missing and three arrests", *Press Release*, TCHRD, 26 October 2007, available at www.tchrd.org/press/2007/pr20071026.html
- ²⁶ TCHRD Interview with Kalsang Dorjee from Lhasa, November 2007, Dharamsala
- ²⁷ "Violence, Discrimination and Neglect towards Tibetan Children," Tibet Justice Center, p. 17
- ²⁸ The Human Development Index (HDI) is a composite of three basic components of human development: longevity, educational attainment and standard of living. Longevity is measured by life expectancy at birth. Educational attainment is measured by a combination of adult literacy (two third weight) and combined primary, secondary and tertiary enrolment ratios (one-third weight). Standard of living is measured by purchasing power, based on real GDP per capita and express in terms of purchasing power parity (US dollars). For the construction of the HDI, fixed minimum and maximum values were established for each of these indicators:
- 1) Life expectancy at birth: 25 years and 85 years
 - 2) Adult literacy: 0 percent and 100 percent
 - 3) Combined enrolment ratio: 0 percent and 100 percent
 - 4) Real GDP per capita (PPP \$): 0 percent and 100 percent
- ²⁹ Formula for computing Educational Index of Tibet:
- Adult literacy index:
- $$\frac{\text{Actual value (45.14)} - \text{Minimum value (0)}}{\text{Maximum value (100)} - \text{Minimum value (0)}}$$
- Adult literacy index=0.45
- Combined enrolment index:*
- $$\frac{\text{Actual value of 3 sector (53.9)} - \text{Minimum value (0)}}{\text{Maximum value (100)} - \text{Minimum value (0)}}$$
- Combined enrolment index= 0.53
- Education index of Tibet:*
- Two third Adult literacy (0.3) + enrolment index (0.17)
- Education index= 0.47
- ³⁰ United Nation Development Programme, Human Development Report 2007/2008, Table1: Human Development Index, p. 230
- ³¹ United Nation Development Programme, Human Development Report 2007/2008, Table1: Human Development Index, p. 230
- ³² United Nation Development Programme, The National Development Report for China 2005, Table 8: Sexual illiterate/ semi-illiterate percentage in different provinces, p. 161
- ³³ Difference between male/female illiteracy rates.
- ³⁴ United Nation Development Programme, The National Human Development Report for China 2005, Table 8: Sexual illiterate/semi-illiterate percentage in different provinces (%), p. 161
- ³⁵ China Statistic Press, Tibet Statistical Year Book 2006, Table 16-6: New Students Enrollment by Level and Type of School, p. 262
- ³⁶ United Nation Development Programme, The National Human Development Report for China 2005, Table 1: Human Development Index (HDI) of different provinces, p. 154
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- ⁴⁰ United Nation Development Programme, The National Human Development Report for China 2005, Allocation of public resources, p. 50
- ⁴¹ United Nation Development Programme, The National Human Development Report for China 2005, Urban-rural differences, p. 47
- ⁴² Compulsory Education Law of People's Republic of China, Article 10
- ⁴³ China Statistic Press, Tibet Statistical Yearbook 2006, Table 8-1: Improvement in People's Material and Cultural Life, p. 107
- ⁴⁴ Interview with Dekyi Wangmo from Chamdo County, November 2007, Dharamsala
- ⁴⁵ Interview with Dolma Sangay from Sog County, November 2007, Dharamsala
- ⁴⁶ Education Law of People Republic of China, Article 26
- ⁴⁷ "Lack of Opportunity in education drives Tibetan into exile", Human Rights Update, TCHRD, Volume XII, Number 5, May 2007, available at www.tchrd.org/publications/hr_updates/2007/hr200705.html#opportunity
- ⁴⁸ Interview No#2, March 2007, Kathmandu
- ⁴⁹ The orphans are 12-year-old Tsering Palmo, 10-year-old Thupten Wangchuk and 9-year-old Guru Palmo.
- ⁵⁰ Interview No# 4, August 2007, Kathmandu
- ⁵¹ Interview with Tenzin Choedhar from Lhasa, November 2007, Dharamsala
- ⁵² Ibid
- ⁵³ "Lack of Opportunity in education drives Tibetan into exile", Human Rights Update, TCHRD, Volume XII, Number 5, May 2007, available at www.tchrd.org/publications/hr_updates/2007/hr200705.html#opportunity
- ⁵⁴ Compulsory Education Law of PRC, Article 10
- ⁵⁵ Convention on the Rights of the Child, Article 32(1)
- ⁵⁶ Convention on the Rights of the Child, Article 28 (1. a)
- ⁵⁷ Hukuo (Ch.) or Themto (Tib.) or Household Registration Card is a document or list in each local Chinese government office which authorizes the listed person to live in that area, to attend school, to receive subsidized health care and to obtain a job.
- ⁵⁸ Literally, "connection"; colloquially a connection to officialdom to acquire preferential treatment.
- ⁵⁹ A couple in Tibet can have a maximum of two children. Those children born afterwards were considered as born in violation of family planning and therefore were denied of household registration card along with a hefty fine.

- 60 Interview with Tenzin Choedhar from Lhasa, November 2007, Dharamsala
- 61 Ibid
- 62 Interview No# 4, January 2007, Kathmandu
- 63 Convention on the Rights of the Child, Article 29 (1 a)
- 64 Convention on the Rights of the Child, Article 29 (1 c)
- 65 Convention on the Rights of the Child, Article 30
- 66 Interview No# 6, November 2007, Kathmandu
- 67 Interview with Tenzin Choedhar from Lhasa, November 2007, Dharamsala
- 68 “China intensifies prohibition of religious activities in Tibet during the holy month of Saka Dawa”, Human Rights Update, TCHRD, Volume XII, Number 5, May 2007, available at www.tchrd.org/publications/hr_updates/2007/hr200705.html#Saka
- 69 The Constitution of People’s Republic of China, Article 4
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- 88 Convention on the Rights of the Child, Article 37 (a)
- 89 Convention on the Rights of the Child, Article 37 (b)
- 90 Ibid:
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- 92 Convention on the Rights of the Child, Article 37 (d)
- 93 “Illegitimate killing on Nangpa La pass by Chinese police”, Human Rights Update, TCHRD, Volume XI, Number 10, October 2006, available at www.tchrd.org/publications/hr_updates/2006/hr200610.html#Nangpa
- 94 “Nangpala Revisited- Shooting left nine Tibetans missing and three arrests”, Press Release, TCHRD, 26 October 2007, available at www.tchrd.org/press/2007/pr20071026.html
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DEVELOPMENT IN TIBET

Introduction

Development had been proclaimed by Mao's China for the liberation of Tibet in 1950, a claim on which China's legitimacy to rule hinges till date. Since the entry of People's Liberation Army (PLA) into Tibet, China claims there have been significant progresses, particularly in the area of infrastructure development and living standards of Tibetan people.

For Tibetans, development of all kinds is something desired and yet feared partly due to the controversial nature of China's development initiatives in Tibet that threaten the unique spiritual civilization of Tibetans. Over the years, China has been dumping billions of *yuan* every year in the name of development, yet this investment has somehow eluded Tibetans for long.

No other region in China rivals a princely treatment "Tibet Autonomous Region" ("TAR") receives in terms of central funds and political emphasis. "TAR" is the only region under China where there is zero tax and the only local government directly funded by the central government in Beijing. Other provinces of China run their local governments on taxpayer's money. In addition to that, the economy of Tibet, particularly "TAR" is highly subsidized but even so Tibet's economy falters and lags behind.

The Qinghai-Tibet railway costing 34 billion *yuan* (4 billion dollars) was started last year catering to Chinese tourists, mining companies, traders and as a moral boost for the ruling communist party. The train has not yet touched the poor brethren of Tibet, farmers and herders. So far there have been no indications on the train catering to ordinary Tibetans. The train was built with great publicity and fanfare claiming it was built to develop Tibet and to make life easier for Tibetan farmers and nomads.

Almost all of State media is full of information about economic aid and massive investments slotted for Tibet's modernization and development. It has been fifty-seven years since China has been "helping" Tibet and yet the richest provinces of China are those on the coastal shores of China comprising of 300 million people and have achieved miraculous economic development in just twenty years. This itself points to serious flaws in China's initiative when it comes to implementing development projects in Tibet.

This brief chapter is to shed light on this development puzzle of Tibet. Compared to coastal provinces of China, Tibet still lags behind in development in a big way. With very limited access to any kind of field studies in Tibet, the testimonials compiled in this chapter discuss rights-based and need-based aspects of development of Tibetan people in determining their destiny and economic prosperity.

It investigates if Tibetans are the owners and masters of development from planning till implementation phase in Tibet.

The chapter aims to present the cases of testimonials of Tibetans who fled to India. These are intentionally kept it original in an attempt to give an unfiltered perspective on economic development in Tibet.

A Dark Year for Herders and Farmers

The year 2007 was a dark year for Tibetan farmers and herders.

During this year, the Chinese government implemented one of its most ruthless regulations on the traditional structure of nomads and farmers, a face that defined Tibet's culture, religion and way of life for centuries. The number of testimonials of new arrivals from Tibet continue to report adverse effects of state sponsored displacement and relocation of Tibetan herders and nomads to re-settlement enclaves built by China.

Although the displacement and relocation of Tibetan nomads has been reported since 2002 but quite never before in a manner and scale witnessed in 2007. The Chinese government recently released a figure which says that 23, 00000 Tibetans herders and farmers in "TAR" are living under an annual income of 800 *yuan*.¹ In other words, a Tibetan in "TAR" earns 60 *yuan* per month or less than 8 \$ a month, an acute indication of poverty.

Testimonials reflect features of forced eviction and destruction of the traditional way of life. The affected people were not entitled to prior consultation, no proper rehabilitation and no provision of proper compensation for lost property and land. In

2007, the Chinese government introduced a slogan (Tib: *Chug poe lam du drowa*)² (On the path to prosperity) in farming and herding sector. The argument from the Chinese government side was that for centuries, Tibet was a nomadic and farming country, for Tibetans to enter into modern era of modernity and prosperity under leadership of the communist party, they must give up agrarian and nomadic system, which as the Chinese government says is backward and primitive.

There are ulterior motives to many of the relocation projects in various parts of Tibet; most of them were in the name of supposed preservation of Tibet's fragile environment, giving way for the mining companies and for building of infrastructure for developmental projects in Tibet.

Five Decades of Gross Mismanagement of Herders and Farmers

Prior to Chinese occupation, Tibetan nomads and farmers were almost virtual owners of land. In an agrarian world, Tibetan farmers organized and cultivated their farms at will, except paying due taxes to the Tibetan government in Lhasa. Besides annual taxes, Tibetan farmers and nomads enjoyed complete say over ownership of their animals, and products. The grassland management and distribution was unheard of and yet Tibet's ecology had never been under threat from the Tibetan population down the centuries. Many environmental and ecological scientists attribute the success of Tibet's semi-nomads to Tibetan herders' unique pasture rotation system into summer pastures and winter pasture, ensuring economical consumption of pasture thus averting over grazing and grassland degradation. There was a beneficial co-existence between natural environment and herders.

It all changed since China came to rule Tibet. During the days of misguided economic policies, the collective farming and herding practices introduced by the central government for debunking centuries old treasured utilization and harmonious relationship with environment, havoc played havoc.

Collective farming and herding was a total departure from the centuries old wisdom of farming and herding developed through long human presence on the harsh Tibetan highland. The collectivization method restricted the grazing range for Tibetan herders and led to rapid degradation of pastureland on one side and wasting of pastureland on the other. It led to famine in China from 1959 to 1961, a steep fall in animal livestock, something unheard of in Tibet's history. The same policy of collectivization was also responsible for a massive famine in China causing deaths of thirty million people.

The incident of famine and fall of animal livestock from 1957 to 1979 was caused by China's inadequate knowledge of Tibet's unique environment and bad grassland management. After the death of Mao Zedong, Deng Xiaoping introduced more friendly policies on grassland management and banned collective farming. Deng's economic reforms in 1980s encouraged nomads and farmers to sell their surplus products in open market under the policy of "household responsibility system"³.

The Chinese government introduced Grassland Law in 1985 with an aim to protect grassland, modernize animal husbandry industry, to evolve it from subsistence economy to commodification.

The Human Rights Watch published a comprehensive report on Tibetan herders and farmers entitled "No One Has the Liberty to Refuse" - Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region".

The report published in June 2007 claimed,

In the 1980s Chinese ecologists and policy makers became concerned about the degradation of grasslands in the Inner Mongolian Autonomous Region, which also has a significant population of grassland herders. They attributed this degradation to overstocking by the herders, a view that has not been endorsed by all foreign scholars and introduced policies requiring each household to fence off areas of pastureland. These were not seen by all scholars as effective. Subsequently, additional policies were introduced that set a quota for the number of animals that could be held by each herder, and compulsory livestock slaughter was brought in to meet these quotas. Compulsory resettlement of pastoral communities in Inner Mongolia was introduced in the 1990s.⁴

Since late 1950s onwards, the Chinese government introduced many policies on herders, which significantly affected the Tibetan herders in maintaining their livelihood in many ways. The top to bottom approach in dealing with matters concerning herding was proven counter-productive. In 1950s, 1960s and 1970s emphasis was on keeping nomads in a restricted zone, thus allowing communist party to control and regulate nomads in a far more efficient manner.

The combination of political objectives to control Tibetans and mass animal products had put a huge burden on herders to increase animal products to a scale they had never done before. The Grassland Law of 1985 did little to restore Tibetan herders to their heydays as masters and owners of their way of life. The emphasis of Deng's model was to empower the herders to evolve from subsistence to commodification.

For centuries Tibetan herders rely on their herding science or wisdom in keeping suitable strength of animal livestock according to the grassland pasture. Their lifestyle was not aimed at achieving commodification, surplus products to sell in market but a healthy subsistence based on maintaining a healthy co-existence between man and nature. The Tibetan grassland plateau cannot support an animal husbandry that is based on the modern concept of mass production. In Inner Mongolian Autonomous Region, overstocking of animal livestock resulted in the collapse of grassland and pasture degradation in 1980s. The Chinese government in response set quota on animal livestock that can be kept by herders. In addition to that they did something unthinkable in forcing herders to settle down in permanent settlements. The Chinese government even ordered compulsory slaughter of animal livestock to meet the set quota much against the popular wishes of nomads.

Since late 1990s, the Chinese government has introduced many policies on pasture distribution, fencing, 'scientific breeding', development of slaughterhouse and meat market and herding communities to sedentarize in settlements. The introduction of changes has been so unpopular with the Tibetan Buddhist belief system that it caused disputes within nomads over pasture ownership and herders unable to adapt to permanent settlements.

In 2001, the Chinese government finally ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, till now the signing and ratification of International Covenant on Economic, Social and Cultural Rights (ICESCR) has appeared more as a diplomatic gesture by China in the international arena than the implementation of covenants and treaties seriously on the ground.

The first Article of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

called for prohibiting the deprivation of people of their own means of subsistence.

In the case of Tibetan herders and farmers, the provision of the Article 1 is not observed and respected. The Tibetan herders and farmers were deprived of their own means of subsistence and being the master of their own affairs- the corner stone of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Article 11 of ICESCR called for obligation of the State party to provide everyone with a right to "an adequate standard of living for himself and his family, including adequate ... housing, and to the continuous improvement of living conditions."

The testimonials shows numerous accounts of Tibetans falling into poverty due to flawed implementation of policies without taking into consideration the science of subsistence and adaptation in the highland plateau. Relocations deprive Tibetans of adequate housing, rehabilitation, compensation and from defending their own culture.

Article 2 of ICESCR prohibits all forms of discrimination based on several grounds including national or social origin, property, or other status, States' obligations to protect people's livelihood, including the right to work and an adequate standard of living. The obligation directed States to ensure "progressive realization" of rights by suggesting governments to exploit resources in order to improve economic conditions of the people.

The presence of nexus between the local Chinese authorities and the Chinese mining companies was seriously threatening and undermining Tibetans' fundamental rights and well-being. The large portions of Tibetan work force to work at construction sites were paid less than the Chinese workers. For instance, a skilled Chinese earns up to 80 *yuan*

(10 US dollars) a day and a skilled Tibetan worker earns 50 *yuan* (6 US dollars) a day. Discriminations were rampant and so was the exploitation.

Politics of displacement and forced settlement

Since 1999, Chinese government came up with new “scientific objectives” known as “convert farmland to forest” (Ch: *tuigeng huanlin*) and “revert pasture to grassland” (Ch: *tuimu huancao*) to displace and relocate Tibetan nomads.

In the campaign, “convert farmland to forest”, it directed Tibetans to plant trees on certain marginal portions of farmland to reduce the threat of soil erosion, however the campaign quickly degraded into arbitrary land confiscation, mandating farmers to work without pay and to find alternative livelihood.

In “revert pasture to grassland” campaign, a total ban was imposed on grazing in attempts to restore degraded grassland pasture. The grazing ban imposed in and around the Three Head Waters area (Ch: *Sanjiangyuan*) in Qinghai’s Golog (Ch: Guolou) and Yushu prefectures is one of the projects falling under the campaign.

The “scientific objectives”, driven by need of ecological and environmental preservation of Tibetan highland, were causing the harm to Tibetan ecology along with flawed exploration of Tibetan plateau for infrastructure projects and mineral exploration. However, when it comes to environmental restoration, it has been repeatedly shown in many testimonials that Tibetan nomads bear the brunt with a huge cost of human suffering and enormous threat to cultural survival.

The “scientific objectives” of “converting farmland to forest” (Ch: *tuigeng huanlin*) and “revert pasture to grassland” (Ch: *tuimu huancao*) have been seen as excuse by the Chinese government to carry out resource exploration projects. The implementation of “scientific objectives” was one sided, arbitrary, imposed from the top with no prior consultation with the local Tibetans, without due legal proceedings, relocation strategy, rehabilitation and compensation for the affected people. Despite China’s ratification of ICSCER, the stipulations and legal rights enshrined in the ICSCER continue to be violated in a most blatant manner.

In many ways, the trend shows that environmental policies in Tibetan plateau were often not driven by the need to protect Tibet’s environment but to avert and control disasters in low lands of China. The massive logging of Tibet’s timber in 1970s and 1980s caused massive floods in the *Yangtse* and Yellow river basins in 1998 and as a result the logging was banned. The stringent ban on logging of Tibetan forests was prompted by adverse deluges and floods in downstream regions of China and not by concern for Tibet’s ecology.

Therefore, it can be argued that policies of resettlement and livestock limitation in herder communities were not an urgent response to pasture degradation and overgrazing in Tibetan plateau. It was motivated by the desire to reduce and check floods and deluges in down stream catchment areas of China. If environmental policy in Tibet was driven purely for the welfare of Tibetan farmers and herders, the most immediate threat risking Tibet’s environment were mining activities and other so-called “development projects”. Ironically, mining and infrastructure development were in full swing under the Chinese authority.

Nonetheless, the Chinese government and unruly local authorities continue to blame the environmen-

tal crisis on the “backward” and “unscientific” behavior of Tibetan herders, illiteracy and lack of modernization. This can be attributed to Chinese customary ‘chauvinism’, be it in political or in cultural thinking. Experience shows that many of China’s implementations in the Tibetan plateau have proven wrong. For centuries Tibetan herders and farmers have successfully lived on grassland pasture in harmonious balance. Another classic example of China’s limited knowledge in dealing with the Tibetan plateau was illustrated by compulsory purchase of fertilizers when Tibetan farmers until recently had followed organic farming, a method of cultivation today praised and stressed upon.

International Covenants and treaties

The Chinese government continues to forcibly relocate a quarter of million of Tibetan herders and farmers in Tibet from their ancestral lands, depriving them of important dwelling grounds with centuries of important religious and cultural significance. The relocations were resulting in huge costs in terms of human suffering and without adequate or in many cases virtual absence of standard domestic and international legal norms. The Tibetan herders are facing acute dispossession of ancestral lands, forced relocation, denial of consultation, environmental damages, lack of compensation and violations of fundamental human rights.

For example,

Article 16 (b), (c) and (d) of the Convention (No. 169) of Indigenous and Tribal Peoples convened at Geneva by the Governing Body of the International Labour Office on 7 June 1989 provides indigenous people with rights of,

“(b) Where the relocation of these peoples is considered necessary as an exceptional

measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

(c) Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

(d) When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.”

Testimonials and case studies

Nomads and forced displacement

Dorjee Rinchen, 29 years old Tibetan from Sardo village, Gesum Township, Machen County, Qinghai Province, provides his testimony to TCHRD at Kathmandu Refugee Reception Centre about the crisis faced by nomads in his region after the Chinese government introduced new regulations on animal husbandry.

Dorjee Rinchen says that the living conditions of nomads in his region were better in late 1990s. There were about sixty nomadic families in his Sardo village. During late 1990s, the livelihoods of nomads were getting better. Nomads had a good number of animal livestock, production of animal products were good in terms of quality and quantity. However, since 2003, the introduction of new regulations by the Chinese government has completely reversed nomads' fortune for worse.

Dorjee Rinchen says the campaign, "On the way to prosperity" (Tib: *Chug poe lam su drowa*), also known as "Modernization of Western China", required Tibetan nomads to reduce the size of their animal herds by a certain quota decreed by the Chinese government. The law was an immense blow, as it forced them to sell a large portion of their animal livestock to slaughterhouses usually run by *Huis* Chinese, who had in recent times past enjoyed a flourishing meat trade.

Dorjee Rinchen testifies, "I myself am a victim of this new regulation. Prior to the introduction of the new regulation, I had seventy *dzos*, (a cross breed between female cow and male yak) and one hundred sheep but after the implementation of the policy, I have had to sell off a significant portion of my animal livestock as ordered by the government."⁵

When the local Chinese authorities launched the campaign, "On the way to prosperity", they convened a meeting of nomads. The local authorities issued instructions describing "nomadic way of life as a primitive and backward form of livelihood. Sticking and clinging to this form of livelihood and lifestyle would never take them to a new era of prosperity and development. The people and citizens needed to help and support the government on this development campaign drive to achieve the results."

The nomads in Rinchen's Sardo village were not allowed to keep more than 40 *yaks* and a dozen of sheep per family. Anyone who defied the decree would be dealt with severe punishment. The introduction of new regulations made a dramatic impact on nomads' fortune, animal products both in quality and quantity dropped dramatically. The Chinese government reasoned that keeping large animal livestock aggravates overgrazing of pastureland beyond regeneration. The campaign was meant to reduce pressure on grassland, to avoid damages to fragile environment, stem desertification which was explained as the main factor behind increasing floods and deluges in lower plains of Chinese inhabited areas. Overnight, the subsistence of nomads and their wealth was hit hard, turning their way of life harder than ever before into the abyss of perpetual penury.

Rinchen Dorjee further explains to TCHRD,

As a result of new regulations, the nomads were facing problems of two kinds. The limited area of grazing means that nomads now have to graze on same the grassland, diminishing livelihood prospects. Looming poverty gave rise to many reported cases of disputes and clashes amongst the nomads over pasture ownership. At times, the conflicts escalated to major disputes between individuals, nomad communities, townships and even monasteries to protect their interest. The consequences of the new regulations had severe repercussions threatening the entire Tibetan community. This is in complete contradiction of Hu Jintao's call for "creation of harmonious society."⁶

Dorjee Rinchen testified to TCHRD about the displacement nomads and then forced to resettle in permanent dwelling places. He says,

On the other hand, the new regulation encourages the nomads to give up their

traditional livelihood to settle down in towns and cities for a better life. The nomads were not able to adapt to towns and cities in terms of making a decent life, they lacked skills, education, entrepreneurship and ability to adapt to the new lifestyle. Many of them worked in construction sites and did other unskilled manual works to earn a living. Quite a many were reduced to begging in the streets of towns and cities.⁷

The nomads in Machen County were reduced to a state of poverty, struggling with limited pastureland, limited animal livestock to sustain themselves. During winter nomads are tested beyond their endurance as animal fodder depletes and animals die in large numbers due to fodder scarcity. Earlier, the nomads used to somehow manage during the harsh winter period owing to wider availability of pastureland. Not so now.

In his Machen County, nomads who were forced to migrate to towns and urban enclaves returned after failing to make a living in a new environment. There had been cases of former nomads returning to nomadic life after failing to adapt and make a living in towns and cities. The tragedy faced by nomads stems from the government propaganda and misinformation.

The Chinese government informed nomads to move and relocate themselves in urban enclaves. The local Chinese officials told them, "If anyone wanted to become rich and prosperous, then he has to give up your ancestral and traditional way of life and to move to towns and urban areas for better opportunities and livelihood. However, the promise proved illusive and as a result nomads were highly disillusioned with the government directive. There was nothing much the nomads could do about it."⁸

TCHRD assessment: No consultation with the evicted Yulgen nomads. No due procedures were adopted. No rehabilitation packet or decent resettlement and compensation were given to the affected nomads. The displacement only resulted in further impoverishment of nomads.

Grassland distribution causing social tensions among nomads

Jigme Lungtok, a 24 year old man from Tagmo village, Tewo County, Gansu Province narrated his trials to TCHRD about growing social tensions and disharmony amongst the Tibetan nomads over pasture disputes and ownership in the aftermath of pasture distribution and fencing regulation introduced by the Chinese government in recent years.

In May 2004, the Chinese government introduced a new regulation on pasture distribution and fencing in an effort to control the "overgrazing" of pastureland on the Tibetan steppes. In the past, Tibetan nomads had grazed their herds in their traditional norm in open grassland through seasonal rotation of 'summer and winter pasture'. The traditional grazing method had been enormously successful in economical and scientific consumption of pasture, the grassland belonged to none; so nomads could graze wherever they wanted.

Since the introduction of the fencing method, numerous disputes have reportedly taken place in many nomadic areas over pasture ownership thus seriously threatening social harmony and aggravating tensions in a community otherwise used to peaceful co-existence.

Jigme Lungtok explains to TCHRD, "I witnessed clashes between Dsoge Chor and Gung Tso nomadic communities over grassland ownership. During the sporadic clashes, animals from both sides were slaughtered and Tibetans injured. The incident led

to serious confrontation but fortunately village elders from both sides made a timely intervention and thus the imminent fight was thus averted. Still then, there remained an element of hatred and animosity within both communities.”⁹

TCHRD assessment: This case study illustrates how unpopular were Chinese government’s policies on grassland management with the Tibetan people. The implementation of shortsighted policies brings serious disturbances to nomads and the apparent apathy of higher Chinese authorities in solving the disputes escalates tensions.

Land grab from Dartsedo nomads

Lhamyang Choedar, Bonkhon Township, Dartsedo County, in Kardze “TAP” testified to TCHRD about mining and land grab in Dartsedo.

As late as 1996, the Chinese government had launched the campaign “On the way to prosperity” where many Tibetan nomadic communities had been relocated from their ancestral habitats. Lhamyang Choedar told TCHRD that in May 2007, two hundred nomadic families in Bhonkor Township were displaced after the discovery of gold, copper and crystal deposits in his village. After the discovery of mineral deposits, over 40, 000 *mus* (2680,000 square meters) of land was confiscated by the government from the nomads.

Thousands of migrant Chinese miners arrived at the site and lived in temporary tents. The Chinese government forcefully ordered Tibetan nomads to sell their animal livestock and migrate to towns and cities in order to clear a way for miners or face with forced relocation. Lhamyang says, “during a meeting, the government officials instructed us to vacate and migrate our remote village, to get to know about great changes that were taking place in the outside world. We were asked to sell our animal livestock

and move to towns and cities, where if we did business we could become rich instantly and make a lucrative profit from our business venture and achieve prosperity. To be a nomad you had to endure a hard life, only leading a primitive life” due to lack of mobility.¹⁰

Since 2003, several hundred housing blocs had been constructed to accommodate displaced nomads and still many more houses were under construction. According to Lhamyang, today there were seven thousand Chinese migrant workers and settlers in Serthang ground of Bhonkor Township. The inflow of migrant workers and settlers is taking place at a steady pace.

Lhamyang explained to TCHRD that nomads submitted repeated petitions to the local Chinese authorities to reconsider the relocation but there were completely ignored and turned down. The local Chinese authorities had already decided to displace the nomads and they did so in a ruthless fashion, completely turning away their eyes to the feelings and misery of the nomads.

The Chinese government, instead of coming up with proper compensation came back with a dire warning, “the government is doing all it can to provide development, prosperity and modernization of Tibetan people. The government is exploiting the natural resources to develop Tibet and promote prosperity for its citizens. If you are still adamant and act as a hurdle to government’s initiative, then you will be punished according to the laws of the land. The government is for all people, not for a few people in the community, if you speak ill of it, conspire, instigate and show disapproval of it, he or she will be dealt with severe legal punishment. So be careful”¹¹.

The terse official warning dispersed the crowd and there was little the Tibetans could do except to ad-

here to the official order. Since the mining activity began in the area, environment of Bhonkor Township has suffered a great deal. Trees have been cut, mountains laid bare, rivers polluted and pastures uprooted.

Pollutants from the mining site and spilled chemicals have contaminated the rivers, livestock died of poisoning in the surrounding area. The local government turned a deaf ear and did little to address the problem. The atmosphere in Bhonkor Township was filled with apprehension and uncertainty when she left the place.

TCHRD assessment: The Chinese government continues to amend policies in favour of creating conducive atmosphere for Chinese migrant workers to work and settle in Tibet. The case study clearly illustrates complete violation of the rights of the indigenous people. The Chinese government implements policies that are undermining the fundamental social, cultural and economic fabric of the Tibetan people.

Displacement of Tibetans in Machen County, Golog

Tashi Dawa gave his testimony to TCHRD about displacement of nomadic communities in Golog, “TAP”, Qinghai Province. He discloses that after the discovery of minerals such as gold, silver, copper and iron in his land, the Chinese authorities had been constructing housing blocs in Tsolho, Qinghai Province to accommodate the displaced nomads from Machen County, Golog, Tibet Autonomous Prefecture, Qinghai since 2005. Tashi Dawa stated that around thirty household families had already been relocated and another twenty families were to be relocated soon. The Tibetans raised many objections and sent petitions to the local authorities, but those were turned down in a high-handed manner.

Tashi Dawa says, “The single storey five room apartment, is not enough to house families who usually have large numbers. Facilities and amenities inside the rooms were very basic. The displacement has been disastrous for nomads, as they have to adapt to new environment. Nomads planned to cultivate crops but that too was barred by the local authorities citing environment protection as reason.”¹²

The local authorities decide the fate of humble Tibetan nomads and peasants at their will and whim. During the relocation, the local authorities promised Golog nomads as under:

“In order to protect the ecology of our country, nomads from Machen County faced great difficulties, It was a desperate measure and displacement is inevitable, our compassion and empathy is with all of you, our central government will provide necessary aid and compensation in terms of grains and essential commodities. To overcome and alleviate the crisis of among people is the sole duty of the Communist Party and the Chinese government. Therefore there is no need for worry.”¹³

Days after the speeches, displaced families were given 600 Yuan and 100 *gyama*¹⁴ (50 Kg) of grains as compensation. A few months later the compensation was reduced to 300 Yuan and 60 *gyama* (30 Kg) of grains. The nomads have no grassland to graze their animal livestock and compensations have been so extremely paltry and negligible compared to what they have lost.

Dawa Tashi narrated to TCHRD how the impoverishment of nomads was quick and immediate due to abrupt change in lifestyle and adaptation to new environment. The government was not seriously attending to the plight and suffering of nomads, it was more concerned about the exploitation of mineral resources from the land, initially owned by nomads for centuries.

TCHRD assessment: The Chinese local authorities abuse power by denying Tibetan people any form of compensation, consultation, entitling them with due legal proceedings, providing alternative livelihood opportunities and in carrying out large scale relocation of nomads in favour migrants for greed for natural resource.

Large-scale displacement in Golog

The China Ethnic News reported that China is currently undertaking a program to protect the three major sources of rivers from Tibet, i.e. Yangtze, Yellow and Mekong rivers as “protected area”¹⁵ thus threatening 43, 738¹⁶ of Tibetan nomads in Golog “Tibetan Autonomous Prefecture” (“TAP”).

Unfortunately, the Chinese government is relying on a strategy that seriously threatens and affects the Tibetan nomads, who have inhabited the area around the source of waters. For centuries the Tibetan nomads have inhabited the area and co-existed very well with pastureland and rivers, they are the best guardians of the grassland now as they have been in the past.

The project shows how inadequate and ill-informed is the Chinese government regarding the management of pastures and environment protection introducing regulations which will do more harm than help. An over grazing of pastureland can be harmful but leaving the grassland unutilized can equally be catastrophic.

China Ethnic News reports that a total number of 1,738 local households had been forcibly displaced and re-located in newly built housing blocs since September 2004. Thousands of nomads will be relocated in future. According to China Ethnic News report as many as 7,921 houses were built to accommodate the displaced nomads estimated to be 43,600 nomads.

The policies initiated by the Chinese government in the past decades regarding bad management, rampant mining and development projects are to be blamed for degradation of environment and threats posed to river sources.

In 1970s, the Chinese government introduced the policy for increased animal products, thereby requiring nomads to breed and keep more herds than they had been for centuries. As a result in 1980's, there was intensive over grazing and herding in Qinghai Province and Golog pastureland as well as in the headwaters area where the three rivers originate.

In the middle of 1990s, mineral extraction projects were since active. Minerals such as gold, silver and copper were mined in the area. Now, the Chinese government is planning to build dams in the same “protected area”.

Experts on grassland preservation and management have been arguing that traditional pastoral practices of herding, and rotation into summer and winter pasturing were a sustainable component of grassland preservation.

Taking away of their cultural inheritance from Tibetan nomads not only constitutes gross violation of human rights but also highlights yet another example of disempowerment of Tibetans in deciding their destiny as owners of development. Until Tibetans get to their legitimate right to self-determination, there can never be just and fair development.

TCHRD assessment: The Chinese government implements its conservation policy at a huge cost of human suffering and destruction of cultural heritage. At the same time the Chinese government continues to carry out extensive mining activities inside Tibet.

Tibetan Farmers in Crisis

Impoverishment of Tibetan farmers

One of “scientific objectives” launched by the Chinese government called for “converting farmland to forest” (Ch: *tuigeng huanlin*). Under the project, the Tibetan farmers have to give up marginal farmland for growing trees to reduce soil erosion, leading them to losing sizeable share of their arable lands and looming prospect of permanent damages to soil fertility in the long run. The project has been causing significant hardship and misery to Tibetan farmers in Ngaba County, Ngaba, “TAP”, Sichuan Province.

Sterilization of fertile farmlands

Tsundue Gyatso, 29 years old farmer from Gyatsoe village, Gyatsoe Township, Ngaba County, Ngaba “TAP”, Sichuan Province testified to TCHRD about planting trees in arable farmland owned by Tibetans, leading to soil degradation and sterilization.

Tsundue Gyatso explained that in 2006, the Chinese government launched the scientific project “convert farmland to forest” to preserve and conserve environment. The drive was to reduce soil erosion on the upper flanks of the Tibetan plateau, to reduce floods in lower plains of China during the rainy season.”

As a measure to reduce floods in lower plains, Tibetan farmers in Ngaba were ordered to grow and plant eucalyptus trees on their small arable farms. According to an official order, 5 to 6 percent of every *mu* (67 square meters) of arable land owned by Tibetan farmers had to be left aside for planting eucalyptus trees.

Tsundue further explained, “It was good that the local Chinese authorities were expressing their con-

cern on environment conservation but unfortunately they were overlooking the interest and needs of Tibetan farmers. Farming does not amount to any kind of soil erosion because farms would be under constant care of farmers. Moreover every 5 to 6 percent of *mu* (approx: 9 square meters of land) allotted for planting means a significant chunk of land seized from farmers. Not only the farmers have lost part of their land, growing trees hardens topsoil, making it unsuitable to grow crops in the future. In that sense, the essence of the very subsistence of Tibetan farmers will be at risk. This will neither help Tibetan farmers nor in conserving environment and ecology.”¹⁷

The local officials with little knowledge on subsistence, introduced unpopular measures by sheer force, threatening the livelihood of Tibetans in high plateau where arable land constitute a tiny portion of the entire Tibetan plateau landmass. A large part of Tibetan territory is composed of open grasslands, mountains and deserts.

Despite such flawed economic policies implemented in Tibet, the Chinese continue to produce startling statements about progress and development in rural Tibet. The “TAR” deputy party secretary Jampa Phuntsok declares Tibet at ‘best-ever period’ of development¹⁸ when interviewed by foreign journalists. He said, “We have plenty of reasons to say that Tibet is now at its best time. It’s now enjoying a speedily growing economy, a solid unity of ethnic groups and a consolidated border security, at the same time, Tibet’s fixed assets investment rose to 16.84 billion *yuan* (US\$2.03 billion), up 25.7 per cent over the previous year.”

TCHRD assessment: Urban Tibet enjoys growth of ten percent every year according to government statistics but rural Tibet still remains backward and poor. In farming areas, the Chinese government implements unscientific policies that do more harm

than helping agrarian Tibet to leap out of poverty and low productivity.

Farmers' woe in Nyalam County

Ngawang, 43 years old farmer from Namseling village, Zotso Township, Nyalam County, Shigatse Prefecture, "TAR" testified to TCHRD about semi-nomads in Qomolangma basin who were ordered to keep a limited number of animal livestock.

In 2005, the Chinese government issued orders to farmers of Nyalam County, Shigatse Prefecture to reduce their animal livestock. The Qomolangma basin has remained the most backward and poorest part of Tibet till now compared to the rest of the Chinese occupied Tibet. The remoteness of the region, sparse natural resources and harsh climate contribute to underdevelopment of the region.

Ngawang told TCHRD¹⁹ about the plight of farmers in Nyalam County. He recounted that in 2005, the Chinese government passed a regulation stating that semi nomads have to keep a limited size of animal livestock. Those of farmers who had excess number of animal livestock above the set quota had their animals slaughtered. There were thirteen members in his family, seven of them were children. They depended on agriculture and animal products for livelihood. The new directive required farmers in his County to slaughter ten *yaks* and twenty-five sheep. The regulation immediately reduced the annual income of farmers. Earlier his family had 40 *dzos* but now it was reduced to 20 *dzos*, 250 sheep were now reduced to 25. This is the state of penury in which they live.

Ngawang explained to TCHRD that sending children to school was the most difficult challenge. Although Chinese government claims that school education was free but not so in reality. Every year, for each child, three sheep had to be given as a tuition

fee to local authorities. He had to give six sheep for the education of his for two children, another reason for his dwindling number of sheep.

The practice of compulsory purchase of fertilizer was still a normal practice in the farming community. Although Tibetans for centuries had practiced organic farming, however lately the Chinese government had directed farmers to use fertilizer to obtain higher crop yield. Every family has to buy 13 bags of fertilizer and each bag costs 106 *yuan*. Agriculture products of the previous year were not sufficient to sustain the farmers, so they had to buy additional grains. The compulsory purchase of fertilizer and demand for additional grains could be met by selling five to six sheep to supplement his income.

Of late the construction of new houses was also underway, leaving Tibetans in perpetual world of debt and penury. The Tibetans in Qomolangma belt, the poorest region in Tibet, were caught in a quagmire of looming poverty and unsustainable subsistence economy.

Unfortunately, China believes strongly in its economic and development policy in Tibet. More and more Tibetans have been conditioned to join the urban-based development strategy in Tibet justifying that the Market economy is the a prerequisite for Tibet's modernization. Xu Ping, an expert from China National Centre for Tibetan Studies, concluded that market economy is a principal factor for the economic development of Tibetan people. He pointed out that the Tibetans should be encouraged to participate in China's market economy system to reduce the enormous gap between fast paced economic development in coastal regions of China and Tibet.

Gelek Kelsang, a Tibetan official at China National Centre for Tibetan Studies said that, "private

economy will be the most dynamic factor of economy in Tibet, though the development of the private economy is at infant stage in the areas inhabited by Tibetan people”.

TCHRD assessment: The implementation of top to bottom strategy by the Chinese government is not addressing the immediate needs and interests of Tibetan farmers. The development approach in the agrarian sector lacks a human face.

Tibetans in Namling County, Xigatse Prefecture forced to plant trees on pastureland

Goeke Ngodup, 22 years old farmer from Namling County, Shigatse Prefecture, “TAR” testified to TCHRD about impoverishment of farmers in Namling County, Shigatse Prefecture under the new regulation of planting ‘Gachang’, or tiny eucalyptus trees on farmland.

In 2005, the Chinese government passed new a regulation for farmers in Namling County and other counties in Shigatse Prefecture to plant eucalyptus trees in their fertile farmlands.

According to Goeke Ngodup, the local Chinese authorities directed the Tibetan farmers to grow eucalyptus trees on farms with the justification that eucalyptus trees will avert floods and deluge in the lower plains of China.

Goeke Ngodup explained to TCHRD that the local Chinese authorities briefed them about benefits of planting trees for fighting flood disasters. They were told that planting trees would beautify the landscape and ecology; clean environment would produce healthy people. Officials also asked them to take up the challenge of growing trees by obeying the government orders through personal responsibility and individual initiative.

Since April 2007, the Chinese government has implemented the planting of trees on the grassland pasture under the “scientific objectives” of converting farms to forest. The Chinese authorities at Township and County levels told that “The land belongs to State and the State own them. At times the State can take back the land, in such times land must be returned to the State. The citizens should know about this legal clause.”

According to Goeke Ngodup, the Chinese authorities confiscated three to four *mus* (2664 square meters) of land from every family for growing eucalyptus trees. From the start, Tibetans instinctively felt that the project would be a failure and remained deeply worried. However, there was nothing they could do about changing the mind of the local authorities.

Goeke Ngodup testifies, “The Chinese authorities told us that trees would beautify the landscape and environment, a beautiful natural landscape would charm tourists and bring more visitors, tourism industry would boom and it would bring income to the government coffers and in the end our socialist State would flourish and develop”.

Months after the introduction of planting eucalyptus trees, 400 eucalyptus trees were distributed to each family to grow on their farm. The government took Ngodup’s two *mus* (134 square meters) of land and planted all 400 saplings on it.

The planting of saplings was not done in consultation with Tibetan farmers. It was forced upon them; any defiance would be met with serious action by higher authorities. The regulation was not implemented in a democratic manner, it was imposed against the wishes of Tibetan farmers. Taking three *mus* (201 square meters) of arable land from farmers was a lot since farmers depended on farmland for livelihood.

As an incentive, Chinese authorities promised to pay 50 *yuan* for a single sapling of eucalyptus tree grown on farmland. The farmers were to be compensated with 3000 *gyama* (1500 Kg) of grains and 1000 *yuan* given to each family. The farmers were immediately ordered to plant the saplings on farms with instructions that the trees must grow well.

During the implementation, the Chinese authorities ordered farmers to produce grown 400 eucalyptus trees in a set period of time. Those who fail to do so would be charged with a fine of 50 *yuan* per sapling.

Ironically, a combination of factors such as poor fertility of soil, harsh climate and fragile Tibetan plateau in Shigatse region would hardly help farmers to grow trees. For thousands of years, the region had been an arid area with semi desert features. The soil of an arid land cannot support the growth of trees.

As Ngodup says in his testimony, “the possibility of the successful growing of trees would be very limited and difficult. The incentive of 1000 *yuan* and 3000 *gyama* (1500 Kg) of grains promised by the Chinese government was a deception. As a result, the tree project was by and large a failure and Tibetans now have to pay compensation to the government. Instead of making an income, they have to pay fine to the government. Farmers have lost a part of their arable land, the Chinese government has not given any compensation of 3000 *gyama* (1500 Kg) of grains and 1000 *yuan* as promised. No other support system was given to farmers in case they wanted to pursue other professions or alternative ways of earning bread.”²⁰

In fact, the Tibetans in Namling County of Shigatse reel under the impact of a grave crisis. The tree project failed to meet the environmental objectives and Tibetan farmers were not given any form of

compensation for the land they had lost.

Somehow, damage done by flood and deluge in lower plains of China had to be borne by poor and humble Tibetan farmers who have had no role what so ever in the matter. The flood and deluge were all man made, the Chinese government in the past few decades had carried out massive deforestation of Tibetan forests and timber in eastern Tibet. Some natural disasters were due to the adverse effects of global warming and climate change. Ironically, it was in Tibet, in the land of poor farmers and nomads that China implemented disaster control measures leaving Tibetans to further plunge into poverty and debt traps.

TCHRD assessment: The implementation of top to bottom strategy by the Chinese government is not addressing the immediate needs and interests of Tibetan farmers. The development approach in agrarian sector lacks human a face.

“TAR” rural per capita income highest in western provinces of China

The Deputy Party Secretary of (“TAR”), Zhang Yijiong, said that “Tibet Autonomous Region” would continue to stick to modern agricultural development path with proper understanding on unique characteristics of Tibetan highland plateau. According to government source, the rural per capita income growth rate was more than 13 percent for the year 2006 and the net income of rural population amounted to 2,660yuan (\$5320).²¹

The government source, Xinhua claims that rural per capita income of Tibet a highest amongst western Chinese provinces which includes 11 provinces and municipalities i.e. Shaanxi, Gansu, Yunnan, and Guizhou. The Xinhua attributes the robust rural per capita income rise to innovation in cash crop cultivation where, instead of traditional barley, the farmers grow cash crops such as green peppers, potatoes,

and cucumbers in green house plastic house. According to *China Daily* a farmer in Tibet now earns about 3,000 *yuan* in his green house vegetable garden.²²

The Xinhua on October 16 2007 stated that “A peasant living in Bainang County of Shigaze in Tibet, Zhaxi Toinzhub and four other family members used to grow highland barley and make less than 2,000 *yuan* a year, but now, the whole family earns an annual salary of about 18,000 *yuan* simply by growing vegetables in plastic houses.”²³

The Chinese government also claims that the per capita income of Tibetan herders and farmers reached 2,350 *yuan* in 2006, up 13.1 percent on the previous year, maintaining a double-digit growth rate for four successive years.

Professor Zheng Changde from Southwest University of Nationalities in his report claims; “The income growth rate of the rural population in Tibet is among the leading growth rates in China, if not the fastest.”

The Chinese government also argues that farmers’ income from animal husbandry has risen manifold in the last few years. *Xinhua* disclosed a figure from the government illustrating that “figures from the agriculture and husbandry department of Tibet show that from 2004 to 2006, 804 million *yuan* was invested in the development of different sorts of agricultural or husbandry programs. By joining the programs, each herder or farmer’s annual income has increased by 600 to 800 *yuan*.”

During the 11th Five-year Plan (2006-2010), the central government passed the bill to invest more than 100 billion *yuan* in 180 projects ranging from covering infrastructure, construction, education, social security and environmental conservation to achieve economic and social development.

TCHRD assessment: The case study contradicts the government claim that the rural per capita is rising. However the testimonials received by TCHRD continue to show a stark contrast to the picture presented by the Chinese government. All the grand designs and plans discussed in Beijing and during Congress meeting do not have any direct or visible bearing on the lives of Tibetan farmers and semi-nomad herders.

Housing Projects Plunging Tibetans into Poverty

During the 11th Five-Year Guidelines (2006-2010), *Xinhua* carried publicity news on 24 March 2006 that “Tibet Autonomous Region” would raise a corpus fund worth 2,726 million *yuan* (about \$339.3 million) for housing projects to give a major face-lift to what the Chinese government called ‘to settle down 219,800 herders in government funded housing blocs’.²⁴

In December 2006, the Chinese government launched a campaign known in Tibetan as “*Namdrang Rangdrik*” (“Do-It-Yourself”).²⁵ The “*Namdrang Rangdrik*” requires Tibetan herders to rebuild their houses (mostly applicable to those who live along road sides, those who would be most visible to outside tourists and visitors) according to strict official orders in a period of two to three years.

New settlement enclaves have identical stone structures with a red flag on each rooftop. The campaign was launched in rural regions of Lhasa-Shigatse-Nyingtri Prefecture of “Tibet Autonomous Region”. The order came from the top ruling elite in the absence of any consultation with Tibetan herder villagers. No room for rehabilitation, compensation and providing alternative livelihood opportunities was given to nomads and farmers.

Sophie Richardson, deputy Asia Director of Human Rights Watch said, “The Chinese government boasts about bringing economic development to Tibet, but its current policy is costing some Tibetans their homes and their livelihoods. Tibetans must have a real role in development choices, and must be able to reject programs that deepen their poverty”.²⁶

By November 2006, Beijing Time carried news, “Housing project on the Qinghai-Tibet Plateau” on housing program in Tibet. The news article appeared before the China implemented housing projects in “TAR”, particularly Shigatse Prefecture in 2007. The news said,

If you are planning to pay a visit to Lhasa in the near future, you will surely see many Tibetan-style mansions there. The red bricks and blue tiles of these mansions do make a beautiful scene under the blue sky and at the foot of snowy mountains there.

These mansions are the fruit of the housing project conducted by the Tibetan regional government. In the past, many Tibetans were homeless nomads, and had to cope with the harshness of plateau environment. However, these days will soon be gone forever.

The Tibetan regional government started the housing project in the beginning of 2006, aiming to build new homes for more than 80% of herder people and farmers as part of the project that will unfurl a new chapter in the drive for building a new socialist countryside there. After about 7 months, now the new housings for 47,000 families have been completed, ushering a brand new life for them.

TCHRD documented testimonials of Tibetans who were affected by the housing project and the forced re-settlement in Tibet. The case study points to serious loopholes and misery inflicted on Tibetan herders.

Tibetans in Dingri forced to build new houses

Kyilu, 24 years old from Gangar Township, Dingri County testified to TCHRD that Tibetans in his County were forced to build new houses under China’s Housing Programme. Under the Housing Programme, which is compulsory, the government lends money to all Tibetan families to construct new houses. According to the government, it costs around 20,000 Yuan for a family to build a new house. The government lends families 10,000 *Yuan* and they must find the other 10, 000 *yuan* from other sources.

Kyilu testified to TCHRD²⁷ that in early 2007, County authorities in Shelkar called Tibetans for a meeting where Chinese local authorities ordered Tibetans to demolish old houses and build new houses in place. They were issued strict orders to conform to the official line regarding design, structure, colour and painting as endorsed by the government. Each house must cost 20,000 *yuan* for its construction. The authorities also encourage Tibetans to spend more than the standard amount prescribed by the government. Generally speaking, Tibetans in Shelkar, Dingri County are one of the poorest of Tibet and thousands of Tibetans live in dire distress. National flags distributed by the government should adorn the rooftops. Kyilu told TCHRD that the forced construction of houses was a preparation for the upcoming 2008 Olympics in Beijing.

The government issued enforcement warning to those who refused to conform to the official direc-

tive. Tibetans were thus being forced into debt and penury. At present, many Tibetans in rural areas were living under the burden of substantial loans. The Chinese government is doing little to address their problems. Tibetans complain that new houses were of non- traditional Tibetan design and hence bad for health.

China wants to display to the outside world that it is bringing economic development in Tibet, therefore forcibly making Tibetan people to build new houses, which in turn put them under debt. The new houses do not reflect the better living standards of Tibetan people, they are not happy in those houses, they are more worried than ever before about how to repay the loans to banks.

TCHRD assessment: Testimonies point to Tibetans in Dingri County reeling under debt caused by construction of new houses. If they are not able to pay back the loan in time, they would have to pay interest to the government. Tibetans in the region hardly have any clues about how to tackle the crisis. Nonetheless, for local Chinese authorities, the preparation for the Beijing Olympics is underway.

Housing problem in Machen County, Golog

Tashi Dawa from Machen County, Golog, Tibet Autonomous Prefecture, Qinghai told TCHRD about displacement of nomadic communities in Golog, Qinghai after the discovery of minerals such as gold, silver, copper and iron in his land. The Chinese authorities constructed housing blocs in Tsolho, Qinghai Province to accommodate the displaced nomads.

Tashi Dawa says, “The single storey apartment, each contains five rooms were not enough to house families who usually have a large number of members. The facilities and amenities inside the rooms are very

basic. The displacement has been disastrous for nomads, in order to adapt to new environment, nomads planned to cultivate crops but that too was barred by the local authorities citing environment protection.”²⁸

By the end of June, it was estimated that around 250,000 Tibetan had been forced to settle in “socialist villages”. Xeni Jardin wrote an article, “China forces 250,000 Tibetans to resettle to “socialist villages”, in McClatchy Newspapers, 8 May 2007 claiming that the housing program was just another of China’s window dressing to the outside world, particularly in the context of 2008 summer Olympics in China when the world would be watching China closely. According to him, the housing program has little to do with Beijing’s sincere intention of changing the rural face of Tibet for the better. It was more of a flexing muscles to have a firmer grip on Tibetan region.

In a massive campaign that recalls the socialist engineering of an earlier era, the Chinese government has relocated some 250,000 Tibetans - nearly one-tenth of the population - from scattered rural hamlets to new “socialist villages,” ordering them to build new housing largely at their own expense and without their consent.

The government calls the year-old project the “comfortable housing program,” and its stated aim is to present a more modern face for this ancient region, which China has controlled since 1950.

It claims that the new housing on main roads, sometimes only a mile from previous homes, will enable small farmers and herders to have access to schools and jobs, as well as better health care and hygiene.

But the broader aim seems to be remaking Tibet - a region with its own culture, language and religious traditions - in order to have firmer political control

over its population. It comes as China prepares for an influx of millions of tourists in the run-up to next year's Summer Olympic Games.²⁹

The housing project currently implemented in Tibet was envisaged in early 2000 by the Chinese government in a series of centrally directed programs in attempts to alleviate poverty in rural Tibet. The aim of the project was to relocate poorest rural families to new settlements along the main roads to enable rural villagers to set up businesses or to become employed in towns and cities.

Human Rights Watch reported testimonials from affected rural Tibetans who spoke at length of rampant embezzlement of centrally allocated funds by the local officials. In addition, ordinary villagers were to extend free manual labor while constructing the houses. It was also reported on numerous occasions that actual beneficiaries of the housing projects have been poor families with moderate income. The relocation of those beneficiaries was extensively shown on state own *Xizang* TV to win Tibetans heart and minds. Tibet still remains the most renegade territory under China.

Tibetans who were moved to those new housing settlements told Human Rights Watchdog that the local officials told Tibetans to construct a clean, modern and appealing image to impress foreign visitors and tourists. The designs of new constructed houses were complete departure from the old traditional houses. They have no rooms for keeping animal livestock, so the entire lifestyle of relocated Tibetans to be changed forever, thus the move was a direct intervention on cultural identity of Tibetan herders and farmers.

Although the housing project reflects an image of Tibetan herders as 'from-now-on-ever-to-live-in-modern-house-with-proper-amenities-and-facilities' but for Tibetan herders and farmers, majority of

them have had remained trapped in debts. Human Rights Watchdog reports,

The campaign's stipulations for the financing of reconstruction also stand to impoverish affected Tibetans. The cost of building a new house that meets the government's standards is about US\$5,000-6,000, though the government lends households only about \$1,200 for construction costs. Nearly all must therefore supplement these funds with considerable bank loans, as they lack the significant capital investment required. The poorest households are not even eligible for loans, but the campaign's guidelines allow no exception for this situation. Even the most affluent households have been forced into debt, and those who default on their loans will forfeit the right to occupy the house they have built or started to build.

None of those interviewed reported being given the right to challenge or refuse participation in the campaign. Tibetans have described incidents in which those who refused to participate or those who were unable to participate because they could not secure the necessary loans had their homes bulldozed by local authorities.³⁰

Urbanization Threats to Tibetan People

Tibetan Beggars booming in Lhasa city

Phuntsok Rabgyal, 29, Kathmandu tour guide operator testified to TCHRD about the mushrooming of Tibetan beggars in Lhasa city, Tibet.

Phuntsok Rabgyal visited Tibet during May 2007, during the holy month of Tibetan Buddhism. He has been working as a tourist guide for a number of years and runs a travel agency in Kathmandu, Nepal.

During his month long trip to Lhasa, he witnessed unusual an number of Tibetan beggars in the streets of Lhasa, particularly the Bakor street.

Phuntsok Wangyal testifies, “I saw a dramatic surge in the number of beggars in the streets of Lhasa in recent times. I have been to Lhasa for many years but this time there was a particular surge in the number of Tibetan beggars begging for alms. Over more than 90 percent of beggars were Tibetans and most of them came from rural hinterlands of Tibet.”³¹

Phuntsok sheds his insight that the dramatic mushrooming of beggars in Lhasa could be attributed to the campaign “On the way to prosperity” launched by the Chinese government where the Chinese government encouraged Tibetan farmers and nomads in rural areas to abandon their ancestral lifestyle to seek better life and future in cities and towns. Many of those Tibetans from rural areas came to towns and cities hoping that they could find a better life in city but were landed in the streets to beg. Towns and cities have little opportunities to provide since most of them were farmers, nomads and illiterate rustics. The new migrants to towns and cities after ruining their life ended up in streets to beg.

There were many cases of migrants to Lhasa cities who don't have money to return to their homes. They resort to begging as a means to earn a living.

Rabgyal explains, “During my observation, there was a significant number of monks who have no other alternative to make a living, rely on begging as a last resort. For many years now, the Chinese government has been keeping a ceiling on strength of monks in monasteries. The religious department had effectively implemented the regulation till date. Many aspirant monks who wanted to join monasteries could not do so. Some of them were stranded on the streets. A veteran monk beggar, Choedrak, who was 40 years old from Kham Derge has been beg-

ging in the streets for more than ten years. He wanted to join Ramoche monastery but was barred twice by the religious department of Lhasa.”

Most beggars hail from Toelung Dechen County, Chuchul County, Phenpo County, Meldrogungkar and Lhoka. There was a large share of beggars from nomadic background who in recent years were encouraged by the Chinese government to move to towns and cities for better life and prosperity. After having been disillusioned, they ended up on streets. The number of Tibetan beggars has been increasing at an alarming rate. Nonetheless, this is a clear evidence of the failure of the campaign, “Creation of new socialist countryside”, a campaign that called for developing the rural face of Tibet. In reality, there was only impoverishment and poverty in Tibet.

Ironically, there was a funny face to the Tibetan beggars boom in Lhasa city. During the tourist season, thousands and thousands of foreign tourists visit Lhasa from April to August. As Phuntsok narrates, “The Chinese government takes extra measures to clean up the streets by returning beggars to their own place of origin as well as to remote locations far from the eyes of foreign tourists. The beggars were rounded up in trucks and then taken to unknown destinations apparently to show an image of new Lhasa as a prosperous modern city to the outside world. It is an overwhelmingly painful and pitiable sight.”

Recently, the Vice Party secretary of “TAR” Jampa Phuntsok said that the gross domestic product had hit 29 billion *yuan*³² (\$3.8 billion) in 2006, up more than 12 percent year on year for six consecutive years. He also said that the per capita Gross domestic product had exceeded 10,000 *yuan* for the first time in year 2006. The net income of farmers and herders had seen double-digit growth for the fourth year in a row. At present the income of farmers and herders stood at 2,435 *yuan* (\$320). The irony is that how could beggar boom in pivotal city of Lhasa

where wealth is concentrated and when there is so much of economic growth and prosperity as claimed by the Chinese government. These are the conflicting images of Tibet today.

2. 45 million tourists visits Tibet in 2007³³

The “Tibet Autonomous Region” (“TAR”) is fueling the booming tourism industry in Tibet since the opening of railway track in Tibet according to China Tibet Information Centre on 22 August 2007. In 2006, the inbound visitors touched 22.5 million tourists to Tibet which was a 40 percent increment since 2005 said Deng Xiaogang, the Vice Chairman of “TAR”.

According to Chinese government statistics, the railway transport has minimize the cost of cargo transport by 0.12 *yuan* per ton, compared with 0.27 *yuan* by road before the construction of the railway line. The Chinese government argues that the most immediate benefit of the railway transport brought to Tibetans was that it made commodities cheaper for Tibetans in Tibet and Tibetan products to get faster access to markets in Mainland China.

Tibetan Railway Corporation transports 2,596 passengers

In a span of 62 days of summer season in 2007, the railway transports 1,148,800 passengers. According to official statistics, it was 161,000 more than the previous year, making it an increase of 14 per cent. Going by the statistics there was increase of 2,596 passengers every day on the train.

The “Tibet Autonomous Region” (“TAR”) received 3.72 million tourists in the first 10 months of 2007. In 2006, “TAR” received 2.45 million tourists in 2006 and 1.7 million tourists in 2005.³⁴

The Chinese government statistics says that there are currently 125,000 Chinese migrants living in Lhasa city. However, the figure can be much higher than one stated in state media i.e. *China Daily*.

Lhasa expands as tourists and migrants influx

The *China Daily* carried announcement on 14 November 2007 that the Lhasa Chinese authorities are planning to build new district Liuwu, to the south of Lhasa city by 2009 to accommodate influx of tourists and migrants. Although the Chinese state media³⁵ explained the move of expansion was anticipated by protection of cultural relics to minimize the pressure on the Lhasa city, however, the true factor must be to accommodate and to facilitate the long-term ambition of population transfer.

The creation of the new district of Liuwu is an indication of an accelerated settlement of new migrants in Lhasa and surrounding areas after the construction of railroad and of the huge influx of new migrant that arrive in Tibet everyday. The new district is to accommodate 110, 000 people by 2009. Shi Wenjiang, district level Chinese official explains that the new district is being created to protect ancient Tibetan buildings in Lhasa. He said, “The new district will help ease the pressure on ancient buildings in the old downtown, caused by the increasing population in Lhasa over the past decade... with the economic development of Tibet, especially in tourism, more people are choosing to live in Lhasa and the limited area of the current downtown district cannot meet the needs of development”³⁶.

This will provide additional 10 square kilometers to the already existing 32 square kilometers making a total of 42 square kilometers. The Chinese official Mr. Shi Wenjiang claimed that the district will be developed into a high-tech industrial centre, giving a clear clue that it will be most probably inhab-

ited by the skilled Chinese workers and settlers who will come to Lhasa to make fortune and perhaps to settle down. Mr. Shi boasted that the new high tech district will create 114,000 jobs.

Influx of Chinese migrants in Lhasa

The Tibetan people in Lhasa City reel under massive influx of Chinese migrants now pouring into Lhasa City in the wake of unprecedented flooding in lower plains of Mainland China.³⁷

Unprecedented rains in South Asia, particularly in China, have caused massive floods and water logging in the lower plains of China causing huge damage and washing away of homes and dwellings of hundreds and thousands of Chinese people.

The source also said that millions were left homeless and without future prospects in Mainland China, thousands of Chinese people by floods were pouring into Tibet on the recently built Qinghai-Tibet Railway. This unprecedented movement of Chinese migrants to Lhasa has put pressure on the local Tibetans and their day-to-day livelihood.

The Chinese migrants were known to do any kind of work they were given by their clients. However, since the beginning of July 2007, the population of Chinese migrants in Lhasa city has increased in mammoth proportion. Thousands of them remain jobless in Lhasa. They were now beginning to express their anger and frustration amongst themselves over the lack of jobs and employment prospects.

Due to the unprecedented pressure of population density caused by the large influx of Chinese migrants, the Lhasa city, particularly the local Tibetans were now reeling under a difficult situation they have never faced or anticipated. The prices of commodities and essential goods were skyrocketing and inflation has reached an apogee of height. The prices

of essential food and other commodities such as meat, butter and cereals were increasing at frenetic pace. This development has stirred the anxiety of local Tibetans about their day-to-day livelihoods. Since the beginning of July 2007, the Chinese officials have ordered the Lhasa Public Security Bureau (PSB) to round up the beggars in the streets and to send them back to their respective hometowns and regions. The beggars were issued with severe orders not to ever return to Lhasa streets.

Today there are numerous unemployed Chinese migrant workers and fortune seekers roaming in the streets of Lhasa. Ironically, the Chinese officials are doing nothing to look after the issue of mushrooming unemployed Chinese migrants in Lhasa City while on the other hand the Tibetan beggars were high-handedly evicted from Lhasa streets and dispatched to hinterland countryside.

Mining in Tibet

Mining and exploration of mineral resources in Tibet has been a highly controversial issue. In the past, the Chinese government faced numerous international criticisms on mining activities in Tibet. In the case of mining in Tibet, the Chinese government continues to explore minerals in areas inhabited by Tibetans for centuries; many of them were important dwelling grounds with important religious and cultural significances. Although, the central government in Beijing banned mining in certain regions of Tibet, the corrupt local officials sanction mining secretly at whim. The nexus between the greedy mining corporations, companies and local officials was complex one and deeply entrenched. Somehow the central government in Beijing has been unable to check and root out the illegal mining business thriving in Tibet.

Prominent foreign mining companies actively exploring minerals in Tibet.

1. HDI/Continental Minerals (CAD): Copper and Gold mining at Shenthongmon Gold Mine (Ch: *Xientongmen*) Shigatse (Ch: *Xigaze*), U-Tsang / Tibet Autonomous Region ("TAR"). Exploration started in April 2005, minerals such as copper, gold, silver of 220 million tons deposit. 40,000 tons mine per day. On average, 116 million pounds of copper, 190,000 ounces of gold and 1.73 million ounces were mined per day.
2. Inter Citic Minerals Inc (CAD): *Dachang* Gold Project, Mato Township (Ch: Maduo), Churmarleb County (Ch: *Qumalai*) Yulshul Prefecture (Ch: Yushou) , Kham, Qinghai Province.
3. Eldorado Gold (CAD): *Tanjianshan* Gold Project, near Tsadamche (Ch: *Dachaidan*), Tsonub Prefecture (Ch: *Haixi*), Dachaidan, Amdo Qinghai Province. The mine was opened in November 2006. 500,000 ounces of gold expected to mine by 2010.
4. Dynasty Gold (CAD): Red Valley Gold Project, (Ch: Hongguo Village, Datan Township), Semnyi County, (Ch: *Menyuan*), Tsoyang Prefecture (Ch: *Haibei*), Amdo Qinghai Province.
5. TVI Pacific (CAD): Gold and mineral exploration at 60 sites across Tibetan Autonomous region ("TAR").
6. GobiMin (CAD): *Huangshan* deposit drilling, Xianshang mine, Tagtse County (Ch: *Dazi*), Lhasa, Tibetan Autonomous Region ("TAR").
7. Sterling Group Ventures Inc (CAD): Produce lithium carbonate (Ch: *Dangxiongcuo* Lake) in Nagqu Prefecture (Ch: *Naqu*), Tibetan Autonomous Region ("TAR").
8. China Central Goldfields (UK): De Ming Ding Copper Project, 60 km east of Lhasa (Ch: *De Ming Ding* area), "TAR".

9. South China Resources (UK): Zhunuo copper project, (Ch: *Zhunuo*), Shigatse (Ch: *Xigaze*), U-Tsang / Tibet Autonomous Region ("TAR").

Nonetheless, the mining activities have been seriously undermining the rights and entitlements of native Tibetans in the form of dispossession from ancestral lands, forced relocation, denial of consultation, environmental damages and lack of compensation. In effect, the Chinese government seriously violates the fundamental rights of Tibetan people inside Tibet.

For example,

Article 15 (a) and (b) of the Convention (No. 169) of Indigenous and Tribal Peoples convened at Geneva by the Governing Body of the International Labour Office on 7 June 1989 provides indigenous people with rights of,

(a) The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

(b) In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any program for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

TCHRD testimonials

The following of the case studies on testimonials point to serious violations of the rights of the indigenous people as provided by Convention on Indigenous and Tribal peoples convened at Geneva by the Governing Body of the International Labour Office on 7 June 1989.

Gold Mining and local protest in Gansu

Tagthar, 28 years old farmer from Achok Township, Machu County, Gansu Province testified to TCHRD about Chinese mining corporation and local protests in his Acho Township.

In late 2006, the Chinese geologists have discovered gold deposits in Achok Township, Machu County. In early 2007, Chinese miners from Sichuan Province started exploring the gold mine site.

Tagthar explains to TCHRD that the owner of the mining company was a Han Chinese businessman from Chengdu City, Sichuan Province. The mining site was located just near the Tibetan dwelling areas. The miners in return they get exclusive rights to mine the gold. Just after getting the official nod, the mining company orders the Tibetans not to come near the mining site.

Tagthar³⁸ told TCHRD that the order issued by the mining company was not received well by local Tibetans who had lived on the land for centuries. Local Tibetans voiced their disapproval and this resulted in a show down with the Chinese mining company. Later, the mining company bribed the local authorities to come down heavily on local Tibetan protestors. In return the mining company rewarded the local authorities with 4000 *yuan*. The local authorities issued orders with dire warnings clear the way for miners.

TCHRD assessment: This is a classic case of the nexus that exists between the Chinese businessmen and local Chinese authorities. The local Tibetans have no say over the matter solely concerning them. Development projects mostly fail to address the needs and sensitivities of local dwellers. All due international procedures were overlooked such as proper compensation, rehabilitation, consultation and providing alternative livelihood opportunity for the affected the people.

Tibetans protest over exploitation of sacred Yala Mountain

Over Hundreds of Tibetans protested in Bamei town, (Ch: *Tawu*, Bamei County, Kardze Prefecture, Sichuan Province, a remote village in Sichuan Province over China's planned extraction of minerals such as lead and zinc from the mountain site called Yala Mountain³⁹, one of the nine most sacred mountains in Tibet according to Tibetan Buddhist beliefs.

Often in Tibetan Buddhist belief, certain mountain sites are believed to be abodes of holy deities and therefore should not be disturbed. There had been numerous cases of Chinese and foreign mining companies involved in mineral extraction projects in Tibet where the Chinese government had in the past completely ignored the feelings and petitions submitted by the native Tibetans.

As a sign of disapproval to the Chinese government, the local Tibetans in Tagong grassland, Bamei town, Sichuan Province attacked government officials and smashed cars during their protest outside the local office of a mining company. The riot incident took place in late May and took the local Chinese authorities by surprise.

The protest took place as soon as mining activities began in Yala mountain site and according to Reuters,

certain number of Tibetans were rumoured to have died, however there was no further confirmation on the incident.

The Chinese authorities in Bamei town denied protestors being killed but the authorities did mediate with Tibetans in the aftermath of the incident. According to reports emanating from Tibet, the protests did ensue for some time in the Bamei town. Prior to the protest, many of the village elders went missing after they had approached the local authorities to submit their petitions.

China today sees Tibet as a prospective hunting ground for raw materials and minerals to fuel its massively growing economy, the third biggest in the world. However, mining activities are colliding with the belief systems of local Tibetans and the Chinese government turns a blind eye to local Tibetans' concerns, resulting in riots.

In the past, protests and disapprovals have caused the abandonment of mining activities by some of foreign mining companies such as Australian miner Sino Gold Ltd in 2003 they had pull out of Tibet after a letter-writing campaign by Australia-based pro-Tibet activists.

Mineral deposits found on Tibetan Plateau

China Geological Survey (CGS) announced on February 13 2007 that it has discovered 600 new mineral deposits on the Tibet Plateau.

Mr. Li, geological survey official told interfax China Metals that the mineral deposits such as iron, lead, zinc and copper reserves were found in Xinjiang and Qinghai Autonomous Region.

In last seven years, China Geological Survey during its regional survey has found 5,000 mineral depos-

its on the Tibet Plateau. The found was estimated to be 30 million tons of copper reserves, 40 million tons of lead, zinc reserves and one billion ton of iron ore reserves. Other minerals found in abundance were chromium, cesium, gold, silver and cobalt⁴⁰.

Conclusion

The most prominent achievement of 10th Five-Year Plan was the completion of the railway track linking Beijing and Lhasa for the first time in history. The "Western Development Program" had only discovered over a thousand of mineral deposits. The construction of the railway track was now bringing millions of Chinese tourists, settlers every year creating a fast booming and expanding Lhasa city.

Infrastructure projects are assisting the Chinese migrants and settlers in Tibet. This year China announced 100 billion *yuan* investment for Tibet. Like its precursors, it will disappear for Tibetans and the Chinese will be the sole beneficiaries of the aid money.

The "Creation of new socialist countryside" was hailed as midas' touch for farmers and nomads, is now adding more misery and threats to traditional culture and livelihood after years of implementation. In all parts, as testimonies show, there is a vast spread discontentment, but there is nothing the farmers and nomads could do given the nature of government and political machinery.

Every year thousands of new arrivals from Tibet reach India, hailing from poor rural parts of Tibet with distressing testimonies of deprivation, disentitlement and impoverishment. They present another version of Tibet, supposed to be fastest developing region in western China. Environment a

key concern, a sanctuary on which the survival of ancestral Tibetan farmers and herders depended for their livelihood, should receive the utmost care and tending. Mining, a crucial money-spinner is tearing the fragile ecology of Tibet beyond repair. All this must be reconsidered by the Chinese government.

The rural areas of Tibet have remained underdeveloped juxtaposed to booming towns and cities. Investments in infrastructure still do not reach the target group, for funding for schools, health care, social security and promotion of rural economy. Instead of giving a 'human face' to China's development strategy in Tibet, it has only created urban and booming cities. Market economy is considered to prerequisite for economic development in Tibet, while a large chunk of Tibetan population still live in the medieval world. This is yet another indication of the flawed development strategy in Tibet.

Communist juggernauts and central leaders decide the fate of millions of Tibetans with no knowledge of Tibetan people and their culture. The Tibetan people still lack the decision-making power, crucial to achieving economic development. The local man and knowledge, the crucial element of bringing economic prosperity is still ignored due to Party's lack of trust and confidence in Tibetan people. The insecurity of the communist party and phobic mentality of Chinese leaders is the prime villain of Tibet's backwardness.

The 11th Five-Year plan draft incorporated the spirit of the Third Plenum meeting of 2003, calling for "putting people first" (Ch. *yiren weiben*). The 11th Five-Year plan was built on Wen Jiabao's slogan of 'scientific developmentalist view point', a long speech he delivered on 21 February 2004.

China is still crippled with two principal issues; how to attain a long-term economic growth, that too sustainable, and how to allocate the wealth equally

across broad sections of society. Hu Jintao called for 'creation of new socialist village community' and a 'harmonious society' to be the heart of 11th Five-Year plan. He said China must stress on the strategy of "extracting less, putting more back in, and enlivening". But so little was achieved on the ground that rural Tibet remains the same while towns and cities are honeymooning in wealth and consumerist era.

The true face of Tibet, farmers and herders, is in a mess. Farmers and herders constitute over 87.7 percent of Tibetan population. Agriculture still depends heavily on state subsidy due to low per capita income, poor health, low illiteracy and poor infrastructure. What can be done to change the present face of Tibet? The best and ideal solution would be to hand over the power and key to farmers and nomads. Let them be the masters of the Tibetan plateau and steppes.

In contrary, it is Chinese settlers and migrant workers who are driving the Tibetan economy and reaping rich dividends. There must be an overall change to this dangerous trend that threatens the very existence of Tibetan people. A backward western region is not acceptable to the 21st century China. Unless and until China rethinks its development approach and strategy in Tibet, any number of five years plans that may come in future, it will never change the face of Tibet, a thing the communist party and the Chinese have been promising to achieve for half a century now.

Endnotes

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- ² TCHRD Kathmandu Interview no. 1 “Nomads and forced displacement”, 4 May 2007
- ³ A contracting system that revolutionized agriculture in the early Deng period. Rather than contracting to large agricultural collectives, some local leaders began dividing up the land among work units or families and then sub-contracting production quotas to these smaller units. One particularly popular method was called ‘contracting everything to family,’ wherein families had to sell a set amount of produced goods to state officials at stipulated prices, but anything produced above these quotas could be sold at higher prices to other buyers.
- ⁴ Human Rights Watch, “No One Has the Liberty to Refuse”-Tibetan Herders Forcibly Relocated in Gansu, Qinghai, Sichuan, and the Tibet Autonomous Region” June 2007 Volume 19, No. 8 (c)
- ⁵ TCHRD Kathmandu Interview no. 1 “Nomads and forced displacement”, 4 May 2007
- ⁶ Ibid
- ⁷ Ibid
- ⁸ TCHRD Kathmandu Interview no. 1 “Nomads and forced displacement”, 4 May 2007
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- ¹³ TCHRD Kathmandu Interview no. 10, “Displacement of Tibetan nomads in Machen County, Golog” 31 March 2007
- ¹⁴ Ibid
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- ¹⁷ TCHRD Kathmandu Interview no. 3, “Sterilization of fertile farms”, 14 June 2007
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- ²² Ibid
- ²³ www.chinaview.cn, “Rural per capita income in Tibet posts fastest rise in western China”, 17 October 2007
- ²⁴ *Xinhua* News Agency, March 25, 2006 “Tibet Speeds Up Govt-funded Housing Project”
- ²⁵ Human Rights Watchdog, “Tibet: China Must End Rural Reconstruction Campaign”
- ²⁶ Human Rights Watchdog, “Compulsory Reconstruction of Houses Increases Poverty, Not Economic Development”
- ²⁷ TCHRD Kathmandu Interview no. 7, “Tibetans in Dingri forced to build new houses”, 17 April 2007
- ²⁸ TCHRD Kathmandu Interview no. 10, “Displacement of Tibetan nomads in Machen County, Golog” 31 March 2007
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- ³⁰ Human Rights Watchdog, “Compulsory Reconstruction of Houses Increases Poverty, Not Economic Development”
- ³¹ TCHRD Kathmandu Interview no. 5, “Train and impoverishment of Tibetans”, 12 June 2007
- ³² www.reuters.com June 20 2007, Benjamin Kang Lim
- ³³ www.tibet.cn (China Tibet Information Centre)
- ³⁴ www.tibet.cn China Tibet Information Centre
- ³⁵ www.china.org.cn “Lhasa plans new district”, 15 November 2007
- ³⁶ Deutsche Presse-Agentur, 14, November 2007
- ³⁷ TCHRD Press Release 3 August 2007, “Tibetan people in Lhasa reel under influx of Chinese migrants “
- ³⁸ TCHRD Kathmandu Interview no. 2 “Gold Mining and local protest in Gansu” 2 July 2007
- ³⁹ www.reuters.com June 11 2007, Benjamin Kang Lim
- ⁴⁰ [interfax](http://interfax.com) China Metals, “600 mineral deposits found in Tibet”

APPENDIX 1

List of Known Political Prisoners

TCHRD	Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
07-002	DET	Adruk Lopoe	Unknown	M	45	Lithang Monastery	8/21/2007	Dartsedo PSB DC	10 yrs	Youruma, Lithang Kardze, TAP
99-046	DET	Bangri Rinpoche	Jigme Tenzin	M	40	Kongpo Bangri Monastery	26/08/99	Chushul Prison	18 yrs	
07-021	DET	Bhu Tenkay	Unknown	M	18	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
06-017	DET	Bhuchung	Unknown	M	30	Tashilhunpo Monastery	00/05/2006	ShigatseDC		Shigatse, TAR
07-018	DET	Bhunchung Norbu	Unknown	M	32	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
94- 077	DET	Chemi Dorjee	Unknown	M	26	Serwa Monastery	29/03/94	Chushul Prison	15 yrs	Chamdo Pashoe
05-025	DET	Chemi Gonpo	N/A	M	30	Kardze	21/06/2005	Kardze DC		Kardze, Sichuan TAP
04-001	DET?	Choedhen Rinzin	Unknown	M	25	Gaden Monastery	12/2/2004	Gutsa DC		Meldrogungkar County
05-011	DET	Choekey Dolma	Unknown	F	24	Gaden Tenggeling Nunnery	20/05/05	Tsolo TAP DC	3 yrs	Thunde County, Tsolo TAP
01-026	DET	Choenga Tsering	Gyaltsen	M	18	Karze Monastery	00/04/01	Ngaba Prison	8yrs	Karze
07-011	DET	Chopa Kyab	Unknown	M	15	Student	6/9/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
05-006	DET?	Chung Tsering	Unknown	M	28	Pangsa Monastery	00/04/05	Gutsa		Medrogongkar TAR
96-224	DET	Dawa Dorjee	N/A	M	31	Bank Employee	00/00/96	Chushul Prison	15 yrs	Nagchu
98-030	DET	Dawa Tsering	Unknown	M	54	Farmer	00/09/98	Chushul Prison	15 Yrs	Markham, Chamdo TAR
05-008	DET	Dhargye Gyatso	Unknown	M	25	Labrang Monastery	20/05/05	Tsolo TAP DC	3 yrs	Amdo Arig, Tsolo TAP
06-009	DET	Dolma Kyap	Unknown	M	30	Teacher, Writer	9/3/2005	Xiling Prison	10 yrs	Tsochang, TAP Qinghai
04-002	DET	Dorjee Tsephel	N/A	M	28		20/05/04	Chabcha DC	4 yrs	Chabcha County
07-017	DET	Drakpa Gyaltsen	Unknown	M	28	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
07-013	DET	Drolma Kyab	Unknown	M	14	Student	6/9/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
05-018	DET	Gedhun	Lobsang Gedhun	M		Yulung Monastery	2/4/2005	Chabcha DC	4 yrs	Tsolo TAP, Qinghai
95-005	DET	Gedun Choekyi Nyima	Unknown	M	6	Tashi Lhunpo Monastery	17/05/95	Beijing ?		Nagchu, Lhari
02-005	DET?	Gendun	Unknown	M		Bank Employee	21/12/02	ShigatseDC		Ngamring County, Shigatse
94 -163	DET	Gonpo	Unknown	M	18	Tawu Monastery	00/00/94	Sheduk kyang	12yrs	Karze
04-017	DET	Gyalpo	Unknown	M	26		00/02/04	Ngapa Prison	11yrs	Kardze County, TAP Sichuan
06-012	DET	Gyaltsen Namdak	Unknown	M	24	Sera Monastery	00/05/2006	Chushul Prison	5 Yrs	Shigatse, TAR

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TCHRD	Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
00-008	DET	Gyurmey	Unknown	M	28	Sog Tsedhen Monastery	17/03/00	Chushul Prison	10 yrs	Sog,Sogrongmi
02-038	DET	Jampa Namgyal	N/A	M	40	N/A	00/01/02	Ngaba Prison	9yrs	Kardze County
06-001	DET?	Jampa Yangtso	Unknown	F		Kardze	06/06/00	Kardze DC		Kardze TAP, Sichuan
05-003	DET	Jamphel Gyatso	Unknown	M	26	Dakar Tretsong Monastery	14/01/05	Xiling	3yrs	Tsekor thang County,Tsolo TAP
05--023	DET	Jamphel Gyatso	Unknown	M	26	Darkar Tretsong Monastery	2/4/2005	Qinghai PSB DC	3 yrs	Xinghai County, Qinghai TAP
05-022	DET	Jamyang Samdrub	Unknown	M		Labrang Monastery	00/05/2005	Tsolo TAP DC	1yr 6mths	Amdo Arig, Tsolo TAP
07-005	DET	Jamyang Tenzin	Unknown	M	33	Youru Geydenling Monastery	3/10/2007	Lithang PSB DC		Youru Sakhor, Lithang, Kardze TAP
05-007	DET?	Jigme Dhasang	Unknown	M	22	Kubhum Monastery	00/05/05	HongzhongDC		Tsolo TAP,Qinghai
96-259	DET	Jigme Gyatso	N/A	M	34	Amdo Labrang Monastery	30/03/96	Chushul Prison	18 Yrs	Kanlho Sangchu
06-007	DET?	Jinpa	Unknown	M		Chogtsang Taklung Monastery	23/8/2006	Kardze DC		Kardze TAP, Sichuan
07-006	DET	Kalgyam	Adruk Kyalgyam	M	26	Farmer	3/10/2007	Lithang PSB DC		Youru Kharshul, Lithang Kardze, TAP
07-022	DET	Kalsang Gyatso	Unknown	M	27	Achok Monastery	16/11/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
07-015	DET	Kalsang Rigsel	Unknown	M	28	Choeorling Monastery	25/09/2007	Driru PSB DC		Tsachu, Driru County, Nagchu TAR
06-015	DET?	Kayi Doega	Unknown	M		Geci Nunnery	1/06/2006	Kardze DC		Kardze, Sichuan TAP
07-025	DET	Kham Lama	Unknown	M		Monk, Ngari Darchen	00/10/2007	N/A		Kardze, Sichuan TAP
01-032	DET	Kunchok Dhargay		M	32	Rabgya Monastery	00/05/01	Machen DC	6yrs	MachenCounty,Golok.Qinghai
96-165	DET?	Kunchok Dhondup	Unknown	M	24	Gaden Monastery	5/10/1996	Chushul Prison	11 yrs	Meldrogungkar TAR
07-016	DET	Kunchok Samphel	Unknown	M	33	Farmer	25/09/2007	Driru PSB DC		Tsachu, Driru County, Nagchu TAR
03-017	DET?	Kunchok Tenpa	Unknown	M	24	Taksang Lhamo Kirti Monastery	00/01/2003	Ngaba DC ?		Dzogey County, TAP Sichuan
07-003	DET	Kunkhen	Jacmyang Goingen	M	32	Teacher, Lithang Middle School	22/8/2007	Dartsedo PSB DC	9 yrs	Lithang,Karze TAP
95-136	DET?	Legshe Phuntsok	Sonam Dhundup	M	23	Nalanda Monastery	3/5/1996	Chushul Prison	12 yrs	Phenpo Lhundup County
07-008	DET	Lhakdon	Lhakpa Dhondup	M	31	Teacher	00/08/2007	Khangmar PSB DC		Khangmar County, Shigatse TAR
07-012	DET	Lhamo Tseten	Unknown	M	15	Student	6/9/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
05-004	DET	Lobsang Dharygye	Unknown	M	37	Dakar Tretsong Monastery	14/01/05	Xiling	2yrs	Tsekor thang County,Tsolo TAP
97-053	DET	Lobsang Dorjee	Unknown	M	19	Drongsar Monastery	7/01/1997	Chamdo DC	14 yrs	Chamdo Pashoe

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TCHRD	Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
94-076	DET	Lobsang Jinpa	Pema Tsering	M	23	Serwa Monastery	29/03/94	Chushul Prison	15 yrs	Chamdo Jojugyabdo
04-016	DET	Lobsang Khedrup	Unknown	M	22		00/02/04	Ngapa Prison	11yrs	Kardze County, TAP Sichuan
96-067	DET	Lobsang Khetsun	Lobsang Dawa	M	27	Gaden Monastery	5/07/1996	Chushul Prison	12 yrs	Phenpo Lhundrup
06-006	DET?	Lobsang Palden	Unknown	M	22	Kardze Monastery	00/08/2006	Kardze DC		Kardze TAP, Sichuan
07-007	DET	Lobsang Phuntsok	Unknown	M	30	Lithang Monastery	15/9/2007	Lithang PSB DC		Lithang, Kardze TAP
95-119	DET	Lobsang Sherab	Unknown	M	19	Drongsar Monastery	8/11/1995	Chushul Prison	12yrs	Chamdo Pashoe
96-157	DET	Lobsang Tenpa	Jampa Lodroe (Poloe)	M	23	Gaden Monastery	5/7/1996	Chushul Prison	15yrs	Drigung Meldro
88-052	DET	Lobsang Tenzin	N/A	M	22	TAR""University	19/03/88	Chushul Prison	18 yrs	Lhasa
06-013	DET	Lobsang Thoesam	Unknown	M	23	Kundelling Monastery	00/08/2006		3 yrs	Tsongon, TAP
94-079	DET	Lobsang Tsegval		M	28	Serwa Monastery	29/03/04	Chushul Prison	15 yrs	Chamdo Pashoe
95-118	DET	Lobsang Tsering	Bushow	M		Drongsar Monastery	8/11/1995	Chamdo DC	14yrs	Chamdo Pashoe
95-144	DET	Lobsang Tsultrim	Choesang	M	20	Drongsar Monastery	8/11/1995	Chushul Prison	12yrs	Chamdo Pashoe
93-240	DET	Lodroe Gyatso	N/A	M	33	Sog Drama Association	17/01/93	Chushul Prison	21yrs	Sog, Sogrongmi
07-004	DET	Lothok	Lobsang Thokmey	M	36	Farmer	19/8/2007	Dartsedo PSB DC	5 yrs	Lithang, Kardze TAP
00-006	DET?	Luzi Tashi Phuntsok	N/A	M	29	Othok Monastery	00/04/02	Yakraphug	7 yrs	Kardze
06-004	DET	Namkha Gyaltsen	Unknown	M	30	Kardze Monastery	06/03/00	Ngaba Prison	8 yrs	Kardze TAP, Sichuan
07-024	DET	Nening	Unknown	M	30	Bekar Monastery	20/11/2007	Driru PSB DC		Driru County, Nagchu TAR
97-085	DET?	Ngawang Geyser	Ngawang Gyalsey	M	21	Sog Tsendhen Monastery	18/08/1997	Disappear		Sog Ya- Ngashang
06-017	DET	Ngawang Rigsang	N/A	M	26	Gaden Monastery	17/03/2006	Chushul Prison	2yrs6mths	Meldrogungkar, TAR
02-025	DET	Pasang	N/A	M	21	N/A	3/8/1989	Chushul Prison	15 yrs	Lhasa
89-133	DET	Pasang Tseggye	Pasang Tsering	M	38	Gaden Monastery	5/7/1996	Chushul Prison	12 yrs	Meldro Gyalding
07-010	DET	Pempa	Unknown	M	40	Business	00/06/2006	Ngari Prison	3 yrs	Tsakor Village, Dingri, Shigatse, TAR
07-009	DET	Phuntsok Gyaltsen	Unknown	M	33	Village Staff	00/08/2007	Pelgon PSB DC		Pelgon County, Nagchu TAR
94-092	DET?	Phuntsok Tsering	Unknown	M	24	Dhargayling Monastery	21/12/04	Nyari DC		Lhatse Shigatse
04-011	DET	Phuntsok Wangdu	Unknown	M	29	Gaden Monastery	2/7/1997	Chushul Prison	14 yrs	Taktse Drushi

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TCHRD	Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
07-001	DET	Ronggye A'drak	Unknown	M	52	Farmer	1/8/2007	Drastsedo PSB DC	8 yrs	Youruma, Lithang Kardze, TAP
97-063	DET	Sey Khedrup	Unknown	M	27	Sog Tsendhen Monastery	19/03/00	Chushul Prison	life	Sog Yognashang
00-014	DET?	Sherab	Unknown	M	25	Labrang Monastery	20/05/05	Tsolo TAP DC		Thunde County, Tsolo TAP
05-010	DET	Sherab	Unknown	M	42	Tsang Monastery	00/ 11/02	Xiling	5 yrs	Hainan County. Qinghai
02-023	DET	Shethar	Unknown	M	35	Khangmar Monastery	00/01/03	Ngaba DC	12 yrs	Marthang County
06-002	DET?	Sonam Choetso	Unknown	F		Kardze	00/06/2006	Kardze DC		Kardze TAP, Sichuan
92-175	DET	Sonam Gyalpo	Unknown	M	43	Business	28/08/05	Chushul Prison	12 yrs	Lhoka Prefecture TAR
06-014	DET?	Sonam Lhamo	Unknown	F		Geci Nunnery	00/06/2006	Kardze DC		Kardze, Sichuan TAP
01-032	DET	Sonam Ngodup	Serpo	M	25	Karze Monastery	00/04/01	Ngapa Prison	7 yrs	Karze
04-021	DET?	Tamdin	N/A	M	63		03/092001	Chushul Prison	6 yrs	Chamdo Palbar, TAR
05-020	DET	Tamdrin Tsomo	Unknown	F		Gaden Tengyeling Nunnery	00/05/2005	Gansu Women's P	3yrs	Thunde County, Tsolo TAP
96-139	DET	Tashi Gyaltsen		M	28	Dakar Tretsong Monastery	14/01/05	Xiling	3yrs	Tsekor thang County, Tsolo TAP
05-001	DET	Tashi Gyatso		M	37		5/5/2001	Xiling	12 yrs	Amdo Golok Machen County
01-045	DET	Tashi Topgyal		M	50	Carpentar	00/08/02	Chushul Prison	6 yrs	Ngamring County, Shigatse
01-042	DET?	Tenpa Dhargay	N/A	M	20	Amdo	00/00/2001	Chushul Prison	5 yrs	Amdo Golok
07-023	DET	Tenphel	Unknown	M	28	Bekar Monastery	20/11/2007	Driru PSB DC		Driru County, Nagchu TAR
05-024	DET?	Tenzin	N/A	M	30	Kardze Monastery	00/03/2005	Kardze DC		Kardze, Sichuan TAP
07-020	DET	Tenzin	Unknown	M	26	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
99-001	DET	Tenzin Dorjee	Unknown	M	23	Shabten Monastery	00/00/97	Chushul Prison	10 yrs	Nagchu
97-006	DET	Tenzin Gelek	Penpa	M	23	Gaden Monastery	5/9/1996	Chushul Prison	12 yrs	Taktse Lamo Chawa
96-169	DET	Tenzin Khedup	Unknown	M		Tsampung Monastery	18/07/01	Chamdo DC	Life	Tengchen County
96-232	DET?	Thoe Sanden	Unknown	M	32	Dakar Tretsong Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP
06-008	DET?	Thupten Samten	Unknown	M	19	Sera Monastery	23/5/2006	Gutsa?		Zachukha, TAP Sichuan
05-002	DET	Thupten Thabkai	Unknown	M		Tsampung Monastery	18/07/01	Chamdo DC	Life	Tengchen County
00-032	DET	Trakru Yeshi		M	48	Electrical Employee	19/03/00	Chushul Prison	12 yrs	Sog County Nagchu TAR

List of Known Political Prisoners

TCHRD	Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
92-156	DET	Trinkar	Unknown	M	33	Farmer	00/00/1992	Chushul Prison	22 yrs	Sog County, Nagchu TAR
04-007	DET	Trulku Tenzin Delek	Ah-Nga-Tashi	M	54	Lithang Monastery	4/7/2002	Chuandong	Life	Lithang, Karze TAP
07-014	DET	Tsekhu	unknown	M	14	Student	6/9/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
02-018	DET	Tsepel	Unknown	M	64	Serwa Monastery	00/00/97	Chushul Prison	16 yrs	Chamdo Pashoe
97-052	DET?	Tsering Dhondup	Unknown	M	33	Sera Monastery	00/07/05	Gutsa		Phenpo Lhundup County
02-020	DET	Tsering Lhagon	N/A	M	40	N/A	19/03/00	Chushul Prison	15 yrs	Sog Yaklashang
02-017	DET?	Tseten Gyatso	Unknown	M	35	N/A	00/07/2001	Chushul Prison	8 yrs	Amdo, Qinghai TAP
07-019	DET	Tsokchoe	Unknown	M	22	Monk, Bekar Monastery	00/11/2007	Diru PSB DC		Diru County, Nagchu TAR
00-79	DET	Tsokphel	Unknown	M	31	Khangmar Monastery	00/01/03	Ngaba DC	12 yrs	Marthang County
01-029	DET?	Tsultrim Phelgye	Unknown	M	38	Dakar Tretsang Monastery	14/01/05	Xiling	2yrs	Tsekor thang County, Tsolo TAP
95-074	DET	Voessel	Jamyang Woesser	M	30	Khangmar Monastery	00/01/03	Ngaba DC	8 yrs	Marthang County
03-013	DET?	Yaepu	Unknown	M	24	Karze Monastery	00/04/01	N/A	5 yrs	Karze Dhamdo
00-78	DET?	Yeshi Dorjee	Unknown	M	25	Monk	00/02/2001	Chushul Prison	6 yrs	Amdo Golog, TAP
93-148	DET	Yeshi Rabgyal	Bhagdro	M	28	Gaden Monastery	5/7/1996	Chushul Prison	15 yrs	Meldro Gyama Trikhang
96-136	DET	Yeshi Tenzin	Unknown	M	32	Sog Tsedhen Monastery	17/03/00	Chushul Prison	15 yrs	Sog, Sogrongmi
06-003	DET?	Yiga	Unknown	F		Kardze	00/06/2006	Kardze DC		Kardze TAP, Sichuan
06-016	DET?	Yiwang	Jampa	F		Kardze Middle School	00/06/2006	Kardze DC		Kardze, Sichuan TAP
05-021	DET?	Yonten Drolma	Unknown	F		Gaden Tengyeling Nunnery	00/05/2005	Gansu Women's P	1yr 6mths	Thunde County, Tsolo TAP
03-011	DET	Zoepe aka Soepa	Unknown	M	33	Khangmar Monastery	00/01/2003	Ngaba DC	12 yrs	Marthang County, TAP

APPENDIX 2

Known arrest in 2007

Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
DET	Adruk Gyatso	Unknown	M		Farmer	8/21/2007	Lithang PSB DC		Youru Kharshul, Lithang Kardze, TAP
DET	Adruk Lopoe	Unknown	M	45	Lithang Monastery	8/21/2007	Dartsedo PSB DC	10 yrs	Youruma, Lithang Kardze, TAP
DET	Adruk Nyima	Unknown	M		Farmer	8/21/2007	Lithang PSB DC		Youru Kharshul, Lithang Kardze, TAP
DET	Apha Bhomo	Unknown	F	57	Farmer	7/19/2007	Lithang PSB DC	2 Months	Othok, Nyachuka County, Kardze, TAP
DET	Bhu Tenkay	Unknown	M	18	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Bhunchung Norbu	Unknown	M	32	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Chopa Kyab	Unknown	M	15	Student	9/6/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
DET	Drakpa Gyaltsen	Unknown	M	28	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Drolma Kyab	Unknown	M	14	Student	9/6/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
DET	Dukar Tashi	Unknown	M		Student	9/6/2007	Sangchu PSB DC	1 Month	Sangchu County, Kanlho, TAP
DET	Jamyang Gyatso	Unknown	M	27	Bora Monastery	1/8/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
DET	Jamyang Tenzin	Unknown	M	33	Youru Geydenling Monastery	10/3/2007	Lithang PSB DC		Youru Sakhor, Lithang, Kardze TAP
DET	Kalgyam	Adruk Kyalgyam	M	26	Farmer	10/3/2007	Lithang PSB DC		Youru Kharshul, Lithang Kardze, TAP
DET	Kalsang Gyatso	Unknown	M	27	Achok Monastery	11/16/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
DET	Kalsang Rigsel	Unknown	M	28	Choekorling Monastery	9/25/2007	Driru PSB DC		Tsachu, Driru County, Nagchu TAR
DET	Kunchok Samphel	Unknown	M	33	Farmer	9/25/2007	Driru PSB DC		Tsachu, Driru County, Nagchu TAR
DET	Kunkhen	Jacmyang Goinqen	M	32	Teacher, Lithang Middle School	8/22/2007	Dartsedo PSB DC	9 yrs	Lithang,Karze TAP
DET	Lhakdon	Lhakpa Dhondup	M	31	Teacher	00/08/2007	Khangmar PSB DC		Khangmar County, Shigatse TAR
DET	Lhamo Tsering	Unknown	M	15	Student	9/6/2007	Sangchu PSB DC	1 Month	Sangchu County, Kanlho, TAP
DET	Lhamo Tseten	Unknown	M	15	Student	9/6/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
DET	Lobsang Phuntsok	Unknown	M	30	Lithang Monastery	9/15/2007	Lithang PSB DC		Lithang,Karze TAP
DET	Lothok	Lobsang Thokmey	M	36	Farmer	8/19/2007	Dartsedo PSB DC	5 yrs	Lithang,Karze TAP
DET	Nening	Unknown	M	30	Bekar Monastery	11/20/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Odho	Unknown	F	55	Farmer	7/19/2007	Lithang PSB DC	2 Months	Othok, Nyachuka County, Kardze, TAP
DET	Pempa	Unknown	M	40	Business	00/06/2006	Ngari Prison	3 yrs	Tsakor Village, Dingri, Shigatse, TAR

Known arrest in 2007

Status	Name	Lay Name	Sex	Age	Affiliation	Arrest	Prison	Term	Origin
DET	Phuntsok Gyaltsen	Unknown	M	33	Village Staff	00/08/2007	Pelgon PSB DC		Pelgon County, Nagchu TAR
DET	Ronggye A'drak	Unknown	M	52	Farmer	8/1/2007	Darstsedo PSB DC	8 yrs	Youruma, Lithang Kardze, TAP
DET	Tenphel	Unknown	M	28	Bekar Monastery	11/20/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Tenzin	Unknown	M	26	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Tsekhu	unknown	M	14	Student	9/6/2007	Sangchu PSB DC		Sangchu County, Kanlho, TAP
DET	Tsokchoe	Unknown	M	22	Monk, Bekar Monastery	00/11/2007	Driru PSB DC		Driru County, Nagchu TAR
DET	Yangbum Gyal	Unknown	M	N/A	Student	9/6/2007	Sangchu PSB DC	1 Month	Sangchu County, Kanlho, TAP

APPENDIX 3

Known deaths as a result of torture from 1987-2007

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	1987								
1	Geshi Lobsang Wangchuk	73	M	Nagchu Prefecture	7/11/1987	Monk	10 +13 years	Drapchi	Died in custody
2	Gonpo Sonam	61	M	Gyantse County	23/12/1987	Lay	2+16 years	Drapchi	Died when released on medical treatment
3	Lobsang Dhonyoe	28	M	Shigatse County	00/10/1987	Monk			
4	Dawa	33	M	Lhasa	1/10/1987	Lay			
	1988								
5	Lobsang Dolma	26	F	Shugseb Nunnery, Chusul County	17/5/1988	Nun	2 months	Gutsa Detention	Died after release
6	Lhakpa Dhondup	22	M	Lhasa	00/03/1988	Lay	7 months	Gutsa Detention	Died after release
7	Lobsang Choephel	21	M	Lhasa	5/3/1988	Lay		Detention Center	Died in custody
8	Lobsang Sonam	30	M	Lhasa	5/4/1988	Printing Press Staff			Died in hospital
9	Yeshi Lhundup	75	M	Lokha, Lokha Prefecture	18/12/1998	Lay	1 year		
10	Tashi Tsering	37	M	Nechung Monastery	00/00/1988	Monk			
11	Tashi Yeshi	22	M	Gaden Monastery, Taktse County	00/00/1988	Monk	2 years	Trisam Prison	Died after release
12	Tenzin Sherab	23	M	Lhasa	23/03/1988	Driver			
13	Yeshi Lhundrup		M	Lhasa	00/00/1988	Staff of TGIE		Sangyip Prison	Died after release
	1989								
14	Chozed Tenpa Choephel	68	M	Lhasa	25/8/1989	Gardener		Sangyip Prison	Died in custody
15	Lobsang Khedrup		M	Lhasa	10/10/1989	Lay	1 year and 7 months	Gutsa Detention Center	Died after release
16	Migmar	30	M	Lhasa	00/00/1989	Lay		Setriu Prison	Died after release
17	Ngawang Zegan	27	M	Drepung Monastery, Lhasa	00/00/1989	Monk	Four months	Gutsa Detention Center	Died after release
18	Yeshi		M	Lhasa	22/08/1989	Lay	Three months	Gutsa Detention Center	Died after release

Known deaths as a result of torture from 1987-2007

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	1990								
19	Lhakpa Tsering	20	M	Lhasa, Kyi-Rae	15/12/1990	Student	3 years	Drapchi Prison	Died in custody
20	Nyima	25	F	Shugseb Nunnery, Gongkar County	00/06/1990	Nun	1 week	Lhasa PSB Detention Center	Died at home
	1991								
21	Jampa Gelek	26	M	Gaden Monastery, Meldrogungkar County	00/00/1991	Monk	Five months	Detention	Died after release
22	Tsamla	39	F	Lhasa	25/02/1991	Lay	2 years	Armed Chinese Soldier Office	Died in custody
	1992								
23	Rinzin Choeden a.k.a Kunsang Choekyi	24	F	Shugseb Nunnery, Chusul County	10/10/1992	Nun	1 week	Choshul County Prison	Died after release
24	Dawa Dhondup	32	M	Gyangtse County	00/00/1992	Lay	2 years	Sangyip Prison	Died after release
	1993								
25	Lhadar	25	M	Lithang Monastery	20/09/1993	Monk		Lithang District Prison	Died in custody
26	Tsenyi *	23	F	Lhasa	00/10/1993	News reporter		Seitru Prison	Suicide
	1994								
27	Phuntsok Yangkyi	20	F	Michungri Nunnery, Lhasa	4/6/1994	Nun	6 months + 5 years	Drapchi Prison	Died while released on medical treatment
28	Dawa Tsering a.k.a Kyema	28	M	Lhasa	14/05/1994	Lay	1 year	Sangyip Prison	Died after release
29	Lobsang Yonten a.k.a Tsasur shangla	65	M	Lhoka Gungkar	30/10/1994	Lay	23 year + 1 year (rearrest)		Died in custody

Known deaths as a result of torture from 1987-2007

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	1995								
30	Gyaltzen Kalsang (lay name: Kalsang Dolma)	24	F	Garu Nunnery, Lhasa	20/02/1995	Nun	2 years	Gutsa Detention and Drapchi Prison	Died after release on medical parole
31	Kalsang Dawa *	29	M	Phenpo Lhundrup County	00/10/1995	Painter	2 and half years	Sangyip Prison	Died in custody
32	Ngawang Nyidron	21	F	Michungri Nunnery, Meldrogungkar	00/05/1995	Nun	3 years (labour camp)	Lhasa Detention Center	
33	Ngawang Yangchen	32	F	Tsamkhung Nunnery, Lhasa	00/08/1995	Nun	1 year + 3 years	PSB Detention/re-education through labour	Died after release
34	Sherab Ngawang	17	F	Michungri Nunnery, Lhasa	17/04/1995	Nun	3 years	Trisam Prison	Died after release
35	Sonam Tashi	53	F	Lhasa	00/00/1995	Carpenter	1 year		Died after release
36	Tashi Tsering	58	M	Shigatse County	17/01/1995	Lay	7 years	Drapchi Prison	Died after release
37	Choephel	20	M	Lithang Monastery, Kardze County	06//02/1995	Monk			Beaten to death in the detention centre
	1996								
38	Dorjee Khanghsiri	66	M	Chabcha (Qinghai)	00/08/1996	Lay			Died in hospital
39	Jamyang Thinley	25	M	Chamdo Monastery, Pomda County	00/00/1996	Monk	4 months	Chamdo Prison	Died after release
40	Kalsang Thutop (lay name: Bhagdro)	50	M	Drepung Monastery, Toelung Dechen County	00/06/1996	Monk	18 years	Drapchi Prison	Died in custody
41	Lhundrup Tendar *	66	M	Gaden Choekhorling Monastery, Namling County	00/00/1996	Monk			Suicide
42	Passang	26	M	Dechen Sa Ngag Monastery, Takse County	17/12/1996	Monk	5 years	Drapchi Prison	Died in custody
43	Phurbu *		M	Dagyab Magon Monastery	00/00/1996	Monk			Suicide
44	Phurbu Tsering a.k.a Tingchue	36	M	Lhasa, Dranak Shol	7/2/1996	Lay		PSB Detention	Died after release
45	Sangye Tenphel	19	M	Khangmar Monastery, Damshung County	00/05/1996	Monk	4 years	Gutsa Detention	Died in custody
46	Thinlay Chodak	19	M	Kardze County	00/00/1996	Monk	3 years	Drapchi Prison	Died in custody

Known deaths as a result of torture from 1987-2007

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	1997								
47	Rigzin	61	M	Ngari Prefecture	11/2/1997	Lay	3 years	Ngari Prison	Died after release
48	Jamyang Thrinlay	28	M	Chamdo Moastery	00/01/1997	Monk		Chamdo Detention	Died in custody
49	Thekchok Tenphel *	27	M	Sakya Drupa Lhakhang, Sakya County	00/11/1997	Monk		Sakya County Prison	Died in custody (suicide in prison)
	1998								
50	Ven. Lobsang Tsundue a.k.a Hor Lagen	88	M	Drepung Monastery, Lhasa	00/12/1998	Monk			
51	Dickyi Yangzom (layname: Druknyi Pema)	21	F	Nyenmo Dowra Choten Nunnery, Nyemo County	00/06/1998	Nun	4 years	Drapchi Prison	Died in custody
52	Geshe Choephel	71	M	Sungrabling Monastery,	24/09/1998	Monk	15 days Detained	Police Station	Died after release
53	Khedrup	26	M	Gaden Monastery, Meldrogungkar County	23/05/1998	Monk			Died in custody
54	Kundol Yonten	28	F	Jhogan Nunnery, Nyenmo County	00/06/1998	Nun			Died in custody
55	Lobsang Choephel* (lay name: Thinlay Phuntsok)	25	M	Khangmar Monastery, Damshung County	4/5/1998	Monk	4 years	Drapchi Prison	Died in custody
56	Ngawang Tenkyong(layname: Lobsang Wangchuk)	26	M	Gaden Monastery, Taktse County	6/5/1998	Monk	10 years	Drapchi Prison	Died in custody (suicide in prison)
57	Lobsang Wangmo (lay name: Tsamchoe Dolkar)	31	F	Dokdhe Nyenga Nunnery, Phenpo County	00/06/1998	Nun	5 years	Drapchi Prison	Died in custody
58	Ngawang Dekyi	25	F	Poroe Nunnery, Phenpo County	21/08/1998	Nun	6 years	Gutsa Detention Center	Died in custody
59	Tashi Lhamo	24	F	Jhogan Nunnery,	00/06/1998	Nun	4 years	Drapchi Prison	Died in military hospital
60	Tenpa Phulchung	62	M	Lhasa	29/11/1998	Lay	4 years + 7 years	Sangyip Prison and Tramo Prison	Died after release
61	Tenzin Yeshi (lay name: Yeshi Samten)	24	M	Gaden Monastery, Taktse County	12/5/1998	Monk	2 years	Trisam Prison	Died after release
62	Tsultrim Sangmo (lay name: Choekeyi)	25	F	Shar Bumpa Nunnery, Phenpo	00/06/1998	Nun	5 years	Drapchi Prison	Died in custody

Known deaths as a result of torture from 1987-2007

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	1999								
63	Sonam Wangdue a.k.a Shugden	44	M	Lhasa	8/4/1999	Lay	Life imprisonment	Drapchi Prison	Died after release on medical parole
64	Lekshe Tsoglam	21	M	Phenpo Nalanda Monastery	00/04/1999	Monk		Gutsa Dention Center	Died after release
65	Ngawang Jinpa (layname: Lobsang Dawa)	35	M	Gaden Monastery, Phenpo Lhundrup County	20/04/1999	Monk	12 years	Drapchi Prison	Died in custody
66	Norbu	21	M	Nalanda Monastery, Phenpo Lhundrup County	00/03/1999	Monk	1 year	Gutsa Dention Center	Died after release
67	Phuntsok	60	M	Lhasa	00/09/1999	Lay	2 years	Drapchi Prison	Died after release
68	Tashi Tsering *	39	M	Lhasa Nyangrae	00/02/1999	Lay	1 month in hospital		Died in hospital
	2000								
69	Lobsang Sherab (Lay name: Norbu)	30	M	Sera Monastery, Nakartse County, Lhoka "TAP"	20/10/2000	Monk	3 years +4 months	PSB Detention/ Gutsa Prison	Died after release
70	Penpa	40	M	Lhasa Tsuklakhang, Gyantse County	00/02/2000	Monk	3 years	Lhasa/Outridu Prison	Died after release on medical parole
71	"Shol" Dawa	60	M	Lhasa Shol	19/11/2000	Tailor	9 years + 2 years	Drapchi Prison	Died in custody
72	Sonam Rinchen	27	M	Medrolgungkar County	00/01/2000	Lay	15 years	Drapchi Prison	Died in custody
73	Tsering Wangdrak	45	M	Kardze County	4/6/2000	Lay	4 years		Died in custody
	2001								
74	Tsultrim Topgyal		M	Khimshi Township, Gongkar County, Lokhar	00/08/2001	Monk	5 years	Drapchi Prison	Died after release
75	Namgyal Tashi	66	M	Lhasa	20/08/2001	Lay	8 years	Drapchi Prison	Died at home
76	Ngawang Lochoe	28	M	Toelung Dechen County	5/2/2001	Nun	10 years	Drapchi Prison	Died in custody
77	Saru Dawa	27	M	Ngaba County	9/1/2001	Monk			Died in custody
78	Tseta Marong		M	Thandong Township, Tenchen County, Chamdo	18/07/2001	Lay			

Known deaths as a result of torture from 1987-2007

	NAME	AGE	SEX	ORIGIN	DATE OF DEATH	PROFESSION	SENTENCE TERM	PRISON	DIED IN CUSTODY OR AFTER RELEASE
	2002								
79	Lobsang Dhargay	40	M	Rabgya Monastery, Machen County, Golog "TAP"	19/11/2002	Monk	16 years +2 and half years	Golhok Prison	Died in Reformed Labour Camp
80	Thupten Namdrol	65	M	Lhoka	17/05/2002	Monk	20 years	Pawo Tramo Prison	Died at home
81	Yulo Dawa Tsering	72	M	Taktse County	16/01/2002	Monk	20 years + 10 years	Drapchi Prison	Died at home
82	Ngawang Donsel	28	F	Chutsang Nunnery, Dranang County, Lhoka Prefecture	00/00/2002	Nun	4 years	Drapchi Prison	Died at home
	2003								
83	Lobsang Damchoe	62	M	Gyantse County	31/01/2003	Monk	20 years (labour camp) + 5 years	Gutsa Prison	Died after release
84	Nyima Drakpa	29	M	Tawu Nyitso Monastery, Tawu County	1/10/2003	Monk	9 years	Tawu County Prison	Died at home
85	Tenzin Phuntsok	74	M	Shigatse	8/9/2003	Lay		Nyari Prison	Died in custody
86	Yeshe Gyatso	65	M	Lhasa	15/01/2003	Lay	10 years + 10 years	Drapchi Prison/Sangyip Prison	Died at home after being released on medical parole
	2004								
87	Rinzin Wangyal	59	M	Lhasa	00/00/2004	Lay	Life imprisonment	Pawo Tramo Prison	Died in custody
88	Tsemonling Dawa	67	M	Lhasa Tsemonling	22/02/2004	Lay	3 years and four month + 3 years	Gutsa Detention Centor/Trisam Labour camp	Died at home

* Tibetans who have committed suicide either in custody or after release due to intolerable torture or torture trauma

APPENDIX: 4

LIST OF KNOWN PRISONS AND DETENTION CENTRES IN TIBET

“Tibet Autonomous Region” Prison or Drapchi Prison is the largest and the most notorious prison located in the north-east outskirts of Lhasa, Tibet’s capital. Believed to have been constructed in 1960, and directly administered by the “TAR” Law Enforcement Department, there are nine units in the prison. The 3rd and 5th units hold female and male political prisoners respectively while rests of the units house non-political prisoners. Due to overcrowding, the southern gate of Drapchi Prison was reportedly demolished and expansion work commenced in April 1998. Prisoners are mainly assigned to work at the vegetable farm, house constructions, tailoring, carpet weaving and mechanical repairs.



“TAR” Public Security Bureau (PSB) Detention Centre or Sangyip Prison is situated in the northern district of Lhasa City. It is believed to have been constructed in 1983. Sangyip has the capacity to hold approximately 70 inmates in its three cellblocks with 12 cells in each block. Those suspected of more serious political crimes, including organising protest or collecting politically sensitive information, are interrogated in this prison. Any prisoners from the “TAR” jurisdiction and with shorter prison terms are detained here, while long-term prisoners are transferred to other major prisons in “TAR”.



Lhasa City PSB Detention Centre or Gutsa Prison is located three km east of Lhasa, near the Kyichu River. Gutsa’s main section holds prisoners who are “under investigation” or awaiting sentences. Most of its inmates have not been formally charged or given administrative sentences and many of them are reportedly forced to do manual labour such as breaking boulders. While Gutsa is predominantly for prisoners who are awaiting sentences, approximately one percent of prisoners are believed to be held here even after sentencing, generally for periods of up to one year.



“TAR re-education-through-labour camp” or Trisam Prison is under the jurisdiction of “TAR” Law Enforcement Department and situated 10 km west of Lhasa near the Toelung County Bridge. Trisam was opened in or around February 1992 and has since received many of the political prisoners from Sangyip, Outridu and Gutsa. Trisam has three units: the first for male political prisoners, the second for male criminals and the third for women prisoners, both political and criminal. At least eight cells at Trisam are reportedly used for solitary confinement. It acts as an “administrative detention centre” for juveniles and prisoners whose term does not exceed three years. Inmates at Trisam are known to perform hard labour.



Powo Tramo is formerly referred to as the “**TAR**” **No.2 Prison**. It is situated near the town of Tramo in Pome County, Nyingtri Prefecture (Ch. *Linzhi*), 500 km east of Lhasa. It is administered by the “**TAR**” authorities and is built for prisoners who have been sentenced to 10 years or more. It is one of the largest prisons in the “**TAR**” with facilities for solitary confinement. Most prisoners here are subjected to hard labour such as felling trees and farm labour.



Lhasa Prison (formerly known as Outridu) may be the institution that the Chinese authorities described to the European Union's Traoika as Lhasa Municipal Prison, during their visit in May 1998. It acts as a part of the “**TAR**” Law Enforcement Department. Solitary confinement cells used to punish prisoners have a space of six by three feet with no windows. Chinese authorities have already expanded the capacity of Lhasa Prison by building several new prison cells. There are currently four cellblocks. Lhasa Prison holds detainees who have been formally sentenced to less than five years. Most of them are subjected to hard labour such as breaking boulders and working on the prison's vegetable farm.



Tibetan Military Detention Centre is administered by the PLA and has existed since 1959. Around 1992 it was moved to the Tsalgunthang area about 11 kilometres east of Lhasa. Some political prisoners are known to have been held there in 1999, but due to the expansion programme undertaken in other prisons it is uncertain whether more political detainees have subsequently been brought there. The centre now holds military prisoners.

Prefecture Detention Centres (PDC) are located at the administrative headquarters of each prefecture. There are six regions in the “**TAR**” besides Lhasa Municipality: Shigatse, Nagchu, Ngari, Lhoka, Kongpo-Nyingtri and Chamdo. These have “administrative detention” centres and *kanshuo suo* (detention centres for prisoners, who have not yet been sentenced). In addition, there are prisons at the county level, which are generally for prisoners who have not yet been sentenced. The Chinese authorities reported to the visiting EU delegation in 1998 that each region and a number of counties have a local detention centre.



Zethang “Reform-through-labour facility” is a new facility (*laojiao*), which began functioning on 15 January 1998 with the first detainees being six Drayab monks. This “reform through re-education” complex is in Zethang village, 10 kilometres east of Chamdo. It is under the direct administration of the Law Enforcement Department in Chamdo Prefecture. The accused, who are given prison terms by the respective provinces (administrative sentences), are transferred to this new facility. There are 30 rooms in the compound, which can each accommodate six prisoners. The facility has 30 prison staff.

Maowan Prison (Ch. *Aba Jlan Yu*), is located in Maowan Qiang Autonomous County in Ngaba “Tibet Autonomous Prefecture”, Sichuan. This prison accommodates prisoners from Ngaba and Kardze regions and is one of the largest prisons in Sichuan Province. Those who are sentenced to long-terms are incarcerated here, including political prisoners. There are detention centres and prisons in every county and prefecture in the Tibetan regions of Sichuan, Qinghai, Gansu and Yunnan provinces.



Chamdo Detention Centre or Chamdo Prison is located in Chamdo County, “TAR”. It was constructed in 1960 and is believed to be one of the largest prisons in “TAR”. The prison has been expanded and the number of criminal prisoners held here has increased. Prisoners serving short sentences ranging from one year to five years are held here.



Shigatse Nyari Detention Centre is located about seven km north-west of Shigatse in the Nyari Valley, Shigatse County, “TAR”. Both political and criminal prisoners are held here. Many of the political prisoners are Tibetans who have visited India. They are detained for several months on their return to Tibet, accused of bringing political documents or tapes from India or Nepal. In 1997, Nyari Detention Centre consisted of five cellblocks, each of which held a different category of prisoners and had 10 cells. Prisoners are assigned to work in vegetable fields and to perform general farm labour. There are approximately 30 mu of fields and in addition there is a fruit farm on which the prisoners are made to work.



Chushul Prison (Ch: *Qushui*) is a new prison which became operational in August 2005. It was located in Chushul County, Lhasa Municipality, “TAR”. It houses hundreds of inmates including monks and political prisoners. The construction began about four years ago and the first batch of 35 prisoners arrived from Drapchi Prison in August 2005. It is reported that Chinese authorities transferred some of the prominent political prisoners with long sentences to continue their terms in the new prison.



Bangri Chogtrul Rinpoche, Amdo Jigme Gyatso, Lobsang Tsultrim, Lobsang Tenzin and a host of 25 other political prisoners have been transferred to the new prison, where conditions are reported to be harsh. The UN Special Rapporteur on Torture, Mr. Manfred Nowak, during his 12 days investigation tour of China, Xinjiang Autonomous Region and Tibet at the end of 2005, visited the prison and was able to meet few of the Tibetan political prisoners. The new prison is popularly known as Nyethang Prison by the local Tibetans as it is located in Nyethang Township, which is about half an hour's car ride from Lhasa City.

APPENDIX 5

Table Listing Relevant International Human Rights Instruments Signed and/or Ratified by the People's Republic of China

Instrument	Signed on	Ratified on	Ideals
International Covenant on Economic, Social and Cultural Rights (ICESCR)	27 October 1997	27 March 2001	Recognising that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.
International Covenant on Civil and Political Rights (ICCPR)	5 October 1998		Recognising that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights as well as his economic, social and cultural rights.
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)		29 December 1981	Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination.
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	17 July 1980	4 November 1980	Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	12 December 1986	4 October 1988	Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.
United Nations Convention on the Rights of the Child (CRC)	29 August 1990	2 March 1992	Considering that the Child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the UN, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

APPENDIX 6

GLOSSARY OF TERMS AND ABBREVIATIONS

“TAP”	“Tibet Autonomous Prefecture” (Tib. <i>Bod rang skyong khul</i>); There are 10 of these administrative areas (below the level of a province or region) created outside “TAR” by the Chinese authorities, located in northern and eastern Tibet (in the Tibetan provinces of Kham and Amdo)
“TAR”	“Tibet Autonomous Region” (Tib. <i>Bod rang kyong lljongs</i> , Ch. <i>xizang Zizique</i>); Formally created by China in 1965, this area of central and western Tibet, covering the area of west of the Yangtse River and south of the Kunlun Mountains, is the only area recognized by China as being “Tibet”
Barkhor (Tib)	The old Tibetan quarter and market area around the Jokhang Temple in Lhasa. In Tibetan it literally means the “middle circuit” or central circumambulation
Cadre	(Tib. <i>le che pa</i> , Ch. <i>gan bu</i>) Technically applies to staff of the Chinese Government administration; also referred to those working on official projects or in state enterprises
CAT	United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CCP	(Ch. <i>Zhon Guo Gong Chan Dang</i>) Chinese Communist Party; founded in July 1921
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
Circumambulation	A religious ritual circling clockwise around a holy place in order to accumulate merit
County	(Tib. <i>dzong</i> , Ch. <i>xian</i>) The Middle level administrative unit equivalent to district
CPL	Criminal Procedure Law; the revised CPL came into effect on 1 January 1997
CPPCC	Chinese People’s Political Consultative Congress
Cultural Revolution	(Tib. <i>rigs-nas-gsar-brje</i>); The campaign initiated in 1966 by Mao Zedong in order to regain control of the Communist Party by ordering the youth to “bombard the headquarters” (purge opponents within the Party) and to eradicate the “four olds” (old ideas, old culture, old customs and old habits). The Chinese authorities no describe it as “Ten Bad Years”, referring to the entire period of 1966 to 1979.

Detention Centre	(Tib. <i>lta srung khang</i> , Ch. <i>kanshoushuo</i>) Place where prisoners are held without charge prior to sentencing
DMC	(Tib. <i>u-yon lhan khang</i> , Ch. <i>we yuan hi</i>) Democratic Management Committee; Administrative organs established in 1962 in religious institutions in Tibet and reconstructed under the 1996 “patriotic re-education” campaign
Drapchi prison	Officially known as “Tibet Autonomous Region” Prison
Endangering State Security	Charge introduced in the revised CPL to replace “counter-revolutionary”
Floating population	(Ch. <i>liudong renkou</i>) Term used to refer to Chinese migrants who are unregistered permanent and temporary residents in Tibet
Geshe (Tib)	Spiritual title and doctorate; monk or lama who has completed the highest course in metaphysics and other academic monastic studies in the Gelugpa school
Guanxi (Ch)	Literally, “connection”; colloquially a connection to officialdom to acquire preferential treatment
Gyama (Tib)	Unit of measurement equivalent to 500 grams
Gyama (Tib)	Unit of measurement equivalent to 500 grams
Hukou (Ch)	Household Registration card
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
Khenpo (Tib)	Literally abbot. In Nyingma and Kagyu tradition of Tibetan Buddhism, Khenpo is analogous to the Geshe degree
Lama (Tib)	The Tibetan term for a respected religious teacher, equivalent to the Sanskrit term guru. A lama is not necessarily a monk, although monasticism is preferred for all lamas in the Gelugpa School. Chinese politicians use the term incorrectly to refer to any monk
Mu (Tib)	A measure of land equal to 67 square meters
NPC	National People’s Congress
PAP	People’s Armed Police
Patriotic re-education	Initiated in 1996 in Tibet’s monasteries and nunneries, “patriotic re-education” campaign was designed to purge the influence of the Dalai Lama, to indoctrinate the monks and nuns with political ideology and to crackdown on dissent activities.
Potala Palace	Official winter residence of the Dalai Lama in Lhasa
PRC	People’s Republic of China
Prefecture	(Tib. <i>sa khul</i> , Ch. <i>diqu</i>) The administrative area below the level of province or region and above the level of a county
Procuracy	(Tib. <i>zhib chu</i> , Ch. <i>jian chayan</i>) A Chinese judicial agency responsible for investigating and prosecuting criminal cases. It also handles complaints against police, prison officials and other branches of the administration
Prostrate	Buddhist practice of lying face down before any sacred body

PSB	(Tib. <i>schide chus</i> , Ch. <i>Gong An Ju</i>) Public Security Bureau, local level police force responsible for detaining and arresting suspects and for pre-trial custody
Re-education	Indoctrination of Chinese Communist ideology and national unity; carried out extensively in religious institutions and labour camps in Tibet
Rukhag (Tib)	One small unit within a prison, village, school, or military etc
Saga Dawa (Tib)	The month of Buddha's birth, Enlightenment and Death
Splittism	(Tib. <i>Khadral ringlugs</i>) Party term for the movement for Tibetan independence or any nationalist sentiments
Strike Hard	(Tib. <i>dungdek tsanen</i> , Ch. <i>yanda</i>) A PRC campaign targeted at crushing corruption and crime. Within Tibet, Chinese authorities are aiming the campaign at "splittists"
Tsampa (Tib)	Roasted barley flour
Tsongkhul (Tib)	Detention Area
Tsuglhakhang (Tib)	Central Cathedral in Lhasa
UNWGAD	United Nations Working Group on Arbitrary Detention
Work Team	(Tib. <i>las don ru khag</i> , Ch. <i>gongzuo dui</i>) Specially formed units of government personnel sent to conduct "patriotic re-education" in an institution or locality
Yartsa Gunbu (Tib)	A Tibetan medicinal plant (Botanical name <i>cordyceps sinensis</i>)
Yuan (Ch)	Chinese currency (8 Yuan is equivalent to 1 dollar.)

APPENDIX 7

State Religious Affairs Bureau Order

Order No. Five

These “Management measures for the reincarnation of living Buddhas in Tibetan Buddhism” were passed at the administrative affairs conference of the State Administration of Religious Affairs on July 13, 2007, and will be implemented on September 1, 2007.

Bureau Director, Ye Xiaowen,
July 18, 2007

Article 1: These measures have been formulated in accordance with the “Regulations on Religious Affairs” in order to guarantee citizens’ freedom of religious belief, to respect Tibetan Buddhism’s practice of inheriting living Buddha positions, and to regulate the management of living Buddha reincarnation affairs.

Article 2: Reincarnating living Buddhas should respect and protect the principles of the unification of the state, protecting the unity of the minorities, protecting religious concord and social harmony, and protecting the normal order of Tibetan Buddhism.

Reincarnating living Buddhas should respect the religious rituals and historically established systems of Tibetan Buddhism, but may not re-establish feudal privileges which have already been abolished.

Reincarnating living Buddhas shall not be interfered with or be under the dominion of any foreign organization or individual.

Article 3: Reincarnating living Buddhas should have the following conditions:

- (1) A majority of local religious believers and the monastery management organization must request the reincarnation;
- (2) The inheritance lineage should be real and have continued to the present day;
- (3) The monastery applying for the living Buddha reincarnation must be the monastery at which the living Buddha monk is registered, it must be registered as a Tibetan Buddhist place of religious activity, and it must have the ability to train and raise living Buddhas.

Article 4: Applicants to be reincarnating living Buddhas who have any of the following conditions may not be reincarnated:

- (1) Reincarnations which are not regulated by the religious doctrine of Tibetan Buddhism;
- (2) Those in city-level people’s governments and above with delineated districts, which ordered no reincarnations to be permitted.

Article 5: Reincarnating living Buddhas should carry out application and approval procedures. The application and approval procedure is: the management organization at the monastery applying for the living Buddha reincarnation where the monk is registered, or the local Buddhist Association, should submit applications for reincarnations to the local religious affairs departments at the level of people’s government above county-level; once the people’s government above county-level has made suggestions, the people’s government religious affairs department reports upwards, and examination and approval shall be made by the provincial or autonomous regional people’s government religious affairs department. Living Buddha reincarnations who have a relatively large impact shall be reported to the provincial or autonomous regional people’s government for approval; those with a great impact shall be reported to the State Administration for Religious Affairs for approval; those with a particularly great impact shall be reported to the State Council for approval.

Verification and authorization of the living Buddha application should solicit the opinions of the corresponding Buddhist Association.

Article 6: When there is debate over the size of a living Buddha's impact, the China Buddhist Association shall officiate, and report to the State Administration of Religious Affairs to be put on the record.

Article 7: Once an application for a living Buddha's reincarnation has received approval, depending on the size of the living Buddha's impact, the corresponding Buddhist Association shall establish a reincarnation guidance team; the management organization at the monastery where the living Buddha is registered, or the corresponding Buddhist Association, shall establish a search team to look for the reincarnate soul child, and search affairs shall be carried out under the leadership of the guidance team.

The reincarnate soul child shall be recognized by the provincial or autonomous regional Buddhist Association or the China Buddhist Association in accordance with religious rituals and historically established systems. No group or individual may without authorization carry out any activities related to searching for or recognizing reincarnating living Buddha soul children.

Article 8: Living Buddhas which have historically been recognized by drawing lots from the golden urn shall have their reincarnating soul children recognized by drawing lots from the golden urn.

Requests not to use drawing lots from the golden urn shall be reported by the provincial or autonomous regional people's government religious affairs departments to the State Administration of Religious Affairs for approval; cases with a particularly large impact shall be reported to the State Council for approval.

Article 9: Once a reincarnating living Buddha soul child has been recognized, it shall be reported the provincial or autonomous regional people's government religious affairs department for approval; those with a great impact shall be reported to the State Administration of Religious Affairs for approval; those with a particularly great impact shall be reported to the State Council for approval.

Reincarnating living Buddhas who have been approved by the provincial or autonomous regional people's government religious affairs departments or by the autonomous regional people's government shall be reported to the State Administration of Religious Affairs to be put on record.

Article 10: When the reincarnating living Buddha is installed, a representative of the approving authority shall read out the documents of approval, and the corresponding Buddhist Association shall issue a living Buddha permit.

Living Buddha permits shall uniformly be issued by the China Buddhist Association and reported to the State Administration of Religious Affairs to be put on record.

Article 11: Persons and units who are responsible for being in contravention of these measures and who without authority carry out living Buddha reincarnation affairs, shall be dealt administrative sanction by the people's government religious affairs departments in accordance with stipulations in the "Regulations on Religious Affairs"; when a crime has been constituted, criminal responsibility shall be pursued.

Article 12: When the reincarnating living Buddha has been installed the management organization at the monastery where he is registered shall formulate a training plan, recommend a scripture teacher, and submit the plan to the local Buddhist Association, which shall report upward to the provincial or autonomous regional people's government religious affairs department for approval.

Article 13: Provinces and autonomous regions which are involved in affairs of reincarnating living Buddhas may formulate and implement detailed measures in accordance these measures, and report them to the State Administration of Religious Affairs to be put on record.

Article 14: These measures shall be implemented from September 1, 2007.

APPENDIX 8

Tibet Autonomous Region Implementing Measures for the “Regulation on Religious Affairs” (Trial Measures)

Translation by the US Congressional-Executive Commission on China.

Deliberated and adopted by the 11th Standing Committee of the Tibet Autonomous Region People's Government on May 18, 2006, promulgated as Tibet Autonomous Region People's Government Order 73 on September 19, 2006, and automatically entered into force on January 1, 2007.

Section 1 General Principles

Article 1. These measures are hereby established in order to guarantee citizens freedom of religious belief, safeguard religious amity and social harmony, and standardize the management of religious affairs, in accordance with the Constitution, the State Council “Regulation on Religious Affairs,” and other relevant laws and regulations, and in keeping with conditions in the autonomous region.

Article 2. Citizens have freedom of religious belief.

No organization or individual may force citizens to believe in or not believe in religion; may not force citizens to believe in one religion or another religion; may not discriminate against citizens who believe in a religion (hereinafter referred to as religious citizens) or those citizens who do not believe in a religion (hereinafter referred to as non-religious citizens).

Religious citizens and non-religious citizens, those who believe in different religions or in different sects, as well as those who believe in the same religion or sect shall all mutually respect each other and get along in harmony.

Article 3. Normal religious activities, as well as the lawful rights and interests of religious organizations, venues for religious activities, religious personnel, and religious citizens are protected by law.

Religious activities that religious organizations, venues for religious activities, religious personnel, and religious citizens launch and attend shall be in observance of laws, regulations, and rules, and safeguard the unification of the country, ethnic unity, and social stability.

Religious organizations, venues for religious activities, and religious personnel may not use religion to carry out activities such as those that harm national security or public security, impair the order of social management, infringe on citizens' individual and democratic rights, or violate public and private property.

Article 4. Each religion persists in the principle of independence and self-management, and religious organizations, venues for religious activities, and religious affairs are not subject to the domination of foreign state forces and forces from beyond the borders.

Article 5. All levels of the people's government shall actively guide religious organizations, venues for religious activities, and religious personnel in a love of the country and of religion, in protecting the country and benefiting the people, in uniting and moving forward, and in guiding the mutual adaptation of religion and socialism.

Article 6. Venues for religious activities may not reestablish, or reestablish in disguised form, previously abolished religious feudal privileges and oppressive exploitative systems, nor may they reestablish, in original or disguised form, the living Buddha labrang system [estate system for reincarnations of lamas] and subordinate relationships between temples.

Article 7. People's government religious affairs departments at the county level or above carry out, pursuant to the principles of delegated responsibility and territorial management and in accordance with law, the supervision, inspection, and guidance of conditions regarding the adherence to laws, regulations, and rules by religious organizations, venues for religious activities, and religious personnel; the establishment and implementation of management systems for venues; modifications to registration programs; and religious activities and activities that touch on foreign affairs.

People's government departments at the county level or above such as the public security, civil affairs, health, education, cultural objects, and news publication [departments] are responsible for the administrative management work within their scope of responsibility, in accordance with the law.

The people's government of a township (town) and the street office shall, in accordance with their respective responsibilities, assist the religious affairs department in handling religious affairs work. The village (residence) committee shall coordinate with the people's government at each level to handle related work.

Section 2 Religious Organizations and Venues for Religious Activities

Article 8. Registering the establishment, modification, and cancellation of a religious organization shall be handled in accordance with "Regulations on the Management of the Registration of Social Organizations" and "Implementing Measures on the Management of the Registration of Religious Social Organizations." The establishment, modification, and cancellation of a prefectural (city) religious organization must be reported for the record to the autonomous region's people's government religious affairs department.

Religious organizations accept supervision and management by the people's government religious affairs department and civil affairs department in accordance with the law.

Article 9. Religious organizations are responsible for establishing "Rules for the Democratic Management of Venues for Religious Activities," and organizing and implementing assessment and promotion work for religious ranks.

Article 10. Religious organizations and venues for religious activities may, in accordance with the national "Measures on the Management of Internal Reference Publications," compile and print internal religious reference publications. The publishing for public distribution of religious publications and audio and visual materials is handled in accordance with the national "Regulations on Publication Administration," "Regulations on Audio and Visual Materials Administration," and the Tibet Autonomous Region's "Temporary Provisions on Improving the Management of the Religious Publishing Market."

Publications and audio and visual materials that involve religious content shall comply with the provisions in the national "Regulations on Publication Administration" and "Regulations on Audio and Visual Materials Administration," and may not contain contents that:

1. Destroy the harmonious workings between religious and non-religious citizens;
2. Destroy the harmony between different religions, as well as that which exists within a religion;
3. Discriminate against or insult religious or non-religious citizens;
4. Disseminate or glorify ethnic separatism, religious extremism, and terrorism.
5. Violate the principle of religious independence and self-management;
6. Otherwise violate what is stipulated under laws and regulations.

Article 11. Religious organizations and venues for religious activities, in establishing a printing house for scriptures, need approval from the autonomous region's people's government religious affairs department and the news publication department.

Article 12. Religious organizations and venues for religious activities may accept contributions from religious citizens, in accordance with religious custom, and use them for activities appropriate to purposes of the organization or venue, but they may not force anyone to make a contribution or allot money.

Religious organizations and venues for religious activities that accept foreign contributions shall carry this out in accordance with the “Autonomous Region Measures on the Management of Overseas Contributions by NGOs and Individuals for Aid Projects.”

Non-religious organizations and venues for non-religious activities may not organize or conduct religious activities, and may not accept contributions of a religious nature.

Article 13. Religious organizations or venues for religious activities that plan to build a religious structure such as an open-air religious statue, stupa, or mani lhakhang [prayer (wheel) temple] outside a venue for religious activities petition the autonomous region’s people’s government religious affairs department for examination and approval after receiving consent from the prefectural (city) administrative office (people’s government) religious affairs department where the venue is located. The autonomous region’s people’s government religious affairs department shall put forth its decision on whether to grant approval within 30 days of receiving it.

Religious organizations and venues for religious activities that plan to build a large-scale, open-air religious statue outside a venue for religious activities handle [the matter] in accordance with the provisions in the State Council “Regulation on Religious Affairs.”

No group or individual outside of religious organizations and venues for religious activities may build religious structures such as a large-scale open-air religious statue, or mani lhakhang [prayer (wheel) temple].

Article 14. Collective religious activities of religious citizens generally shall be held at registered venues for religious activities, or within a site appointed by the people’s government religious affairs department at the county level or above, and led by religious personnel or by personnel who conform to the stipulated conditions of the religion.

Article 15. Plans to establish a venue for religious activities shall be examined and approved in accordance with the procedures stipulated by the state and the autonomous region.

Venues for religious activities shall handle procedures for registration in accordance with the relevant provisions of the state and the autonomous region.

Venues for religious activities that merge, divide, cease to be, or [otherwise] change their scope of registration shall handle the relevant procedure for changes in registration at the office that managed the original registration.

Article 16. To rebuild, expand, or repair venues for religious activities, a petition for examination and approval is made to the prefectural (city) administrative office (people’s government) religious affairs department in the locality, after obtaining the consent of the county-level people’s government religious affairs department in the locality. The prefectural (city) administrative office (people’s government) religious affairs department shall put forth its decision on whether to grant approval within 30 days of receiving the report.

Rebuilding, expanding, or repairing venues for religious activities attached to units for cultural object protection also must report for approval to the department for cultural objects administration management, in accordance with provisions in laws and regulations for the protection of cultural objects.

Article 17. Venues for religious activities shall establish management organizations and practice democratic management. Members of a venue for religious activities’ management organization are elected through democratic consultation, implement a system for terms of office, and report this for examination to the management office that oversees the venue’s registration.

Article 18. The management organization of a venue for religious activities shall set up and strengthen management systems, in accordance with the law, in such matters as personnel, financial affairs, accounting, public order, fire prevention, learning, cultural object protection, health and disease prevention, religious activities, and production management, and [shall] accept the supervision, inspection, and guidance of the relevant departments of the local people's government.

The management organization of a venue for religious activities shall, in accordance with relevant provisions of the state and autonomous region, implement a cultural objects protection and safety responsibility system, and clarify responsibility for fire prevention and safety.

Article 19. Venues for religious activities recruit religious personnel, and handle procedures for their confirmation and for placing [the matter] on record on the basis of [the venues'] ability for self-cultivation, management ability, and the economic capacity of their religious adherents, as well as on the basis of the relevant provisions of the state and autonomous region.

Article 20. A venue for religious activities, in sponsoring scripture study classes, shall conform to the following conditions:

1. The venue has a history of holding scripture study classes;
2. There is a proportionate number of religious personnel who possess a definite knowledge of religion;
3. There are proper motives for holding the class and the content of the training is lawful.
4. The number of students does not exceed what the venue for religious activities has the scope to accommodate;
5. There are relatively complete measures on the management of students.

Article 21. For a venue for religious activities to hold a scripture study class, a petition for examination and approval is made to the autonomous region's people's government religious affairs department, after obtaining the consent of the prefectural (city) administrative office (people's government) religious affairs department in the locality. The autonomous region religious affairs department shall make its decision on whether to grant approval within 30 days of receiving the application.

Article 22. Articles for religious use, religious works of art, and religious publications may be sold within venues for religious activities.

Article 23. The venue for religious activities may, in accordance with the relevant provisions of the state and the autonomous region, set up businesses with the goal of self-enrichment, service industries including tourism, and social welfare undertakings. All gains and income obtained shall be channeled into financial and accounting management.

Article 24. A venue for religious activities' basic infrastructure construction for such things as roads, drinking water, lighting, and radio and television shall be brought under the local city or town's overall construction plans.

Article 25. Venues for religious activities that are part of major tourist sites may save a portion of the entry fees and other income for use in maintenance, cultural object protection, improving tourist facilities, and repairing the general environment.

Article 26. Venues for religious activities shall be on guard for safety mishaps within the venue or incidents that destroy ethnic unity or influence social stability.

In the event of a safety mishap or incident, the venue for religious activities' management organization shall immediately report to the county-level people's government religious affairs department in the locality, and assist the relevant office in dealing [with the matter] in accordance with the law.

Article 27. In holding a large-scale religious activity that goes beyond a zone and exceeds a venue for religious activities' scope of accommodation; or in holding a large-scale religious activity outside a venue for religious activities, the following conditions shall be met:

1. Adherence with the doctrines and creeds and traditions and customs of the religion;
2. A concrete program of the activities that includes such content as the time, the location, the route, the number of people, the primary ceremonies, and emergency preparations.

Article 28. In holding a large-scale religious activity that goes beyond a zone, an application shall be submitted to the relevant religious affairs department 30 days prior to the planned activity, in accordance with the following provisions:

1. For trans-township (town) [activities], an application is submitted to the county-level people's government religious affairs department where the activity is to take place;
2. For trans-county (city, district) [activities], the application is submitted to the prefectural (city) administrative office (people's government) religious affairs department;
3. For trans-prefecture (city) [activities], the application is submitted to the autonomous region's people's government religious affairs department.

The religious affairs department shall put forth a decision on whether or not to grant approval within 20 days of receiving it and notify the relevant departments in a timely manner.

Holding a large-scale religious activity that exceeds the parameters of the autonomous region are handled in accordance with the provisions in the State Council "Regulation on Religious Affairs."

The town (township) people's government, street office and relevant people's government departments such as those at the county level or above [dealing with] religious affairs, public security, and traffic, shall implement management according to their respective responsibilities and guarantee the large-scale religious activity is carried out with safety and order.

Section 3 Religious Personnel

Article 29. Religious personnel, after having received confirmation from a religious organization and having reported [this] for the record to the people's government religious affairs department at the county level or above, may engage in professional religious activities.

Religious organizations at the autonomous region level are responsible for instituting measures for confirming the status of religious personnel.

Article 30. Religious personnel are protected by law in leading religious activities; holding religious ceremonies and religious succession ceremonies; engaging in the arrangement of religious texts; and carrying out the study of religious culture, appraisals of scripture studies, as well as activities including research into religious culture and exchanges.

Article 31. Religious personnel may conduct simple religious ceremonies at open-air burials or in religious citizens' homes, in accordance with religious citizens' requests.

Article 32. Religious personnel may enjoy associated social security benefits in accordance with national and autonomous region provisions.

Article 33. With the exception of the provisions in Article 31, religious personnel may not carry out such activities as initiations into monkhood or nunhood, consecrations, expounding Buddhist sutras, proselytizing, or cultivating followers outside of venues for religious activities, if they have not received approval from the people's government religious affairs department at the county level or above.

Article 34. Religious personnel and religious citizens may not “disseminate and view” [chuankan] books, pictures, and materials that disrupt ethnic unity or endanger national security.

Religious followers may not ask religious personnel to recite from banned religious texts.

Article 35. Personnel who have been expelled from the temple’s registry, or have not yet obtained a “religious personnel identification [card]” may not use the status of religious personnel to engage in religious activities.

Article 36. The succession [zhuanshi] of living Buddhas in Tibetan Buddhism is handled, under the guidance of a religious organization, by a venue for religious activities, in accordance with relevant provisions of the state and autonomous region, and in accordance with religious procedures and historical practices.

No organization or individual may look for or confirm soul boys [children who are the reincarnations of lamas] without approval from the autonomous region’s people’s government religious affairs department.

Article 37. For those looking for or confirming soul boys [children who are the reincarnation of lamas] outside of our region, our regional religious organization consults with the relevant provincial (region, or city) religious organization, and reports it for the record to our region’s people’s government religious affairs department.

For those coming from other provinces (regions, or cities) to our region looking for or confirming soul boys [children who are the reincarnation of lamas], the outside provincial (region, or city) religious organization consults with our regional religious organization, and reports it for the record to our region’s people’s government religious affairs department.

Article 38. The religious organization and democratic management group of the venue for the religious activities organizes and implements Buddhist activities such as enthronement [“sitting on the bed” ceremony], initiation into monkhood, and academic promotion of soul boys [children who are the reincarnations of lamas], in accordance with relevant provisions. The religious affairs department sends staff to supervise and guide [such activities].

Article 39. Venues for religious activities should draft practical measures for strengthening the development, education, and management of reincarnated living Buddhas. Reincarnated living Buddhas must submit to the management of the venue for religious activities’ management group where they are stationed.

The designation of a religious instructor or cultural teacher for the reincarnated living Buddha is reported for the record to the local people’s government religious affairs department at the county level or above, after the management organization of the venue for religious activities where the living Buddha is stationed puts forth its views and the local religious organization agrees.

Article 40. Belongings outside of alms earned by the living Buddha [reincarnations of lamas] through leading or carrying out religious activities at the venue for religious activities, belongings which the venue for religious activities provides for the living Buddha, as well as the religious fixtures and articles for religious use within the living Buddha’s sleeping quarters at the venue for religious activities, are owned by the venue for religious activities, and can be used and managed by a reincarnated living Buddha.

Article 41. Religious personnel who leave a venue for religious activities to go out to practice their religion within the region must carry proof from the local people’s government religious affairs department at the county level or above and the “religious personnel identification [card],” and report for the record to the people’s government religious affairs department at the county level or above in the location where they go to practice. After the time period for the religious personnel’s practice has expired, they shall promptly return to the original venue for religious activities.

Article 42. Religious personnel from our region who receive an invitation to go outside the region to engage in religious activities must take the letter of invitation to the prefecture (city) administrative office (people's government) religious affairs department in the religious personnel's locality to put forward an application, and report for examination and approval to the autonomous region's people's government religious affairs department. After receiving the report from the prefecture (city's) administrative office (people's government) religious affairs department, the autonomous region's people's government religious affairs department shall consult with the people's government religious affairs department of the other province (region, city), and within 30 days of receiving the report put forth a decision on whether to grant approval.

Our area's religious organization shall put forth an application to the autonomous region's people's government religious affairs department for invitations for another province's (region's, or city's) religious personnel to come to our region to engage in religious activities. After the autonomous region's people's government religious affairs department has received the application, it shall consult with the people's government religious affairs department of the other province (region, or city), and within 30 days of receiving the application put forth a decision on whether to grant approval.

Article 43. Our region's religious personnel who cross prefectures (cities) to study scripture shall obtain approval from the administrative office (people's government) religious affairs department in the area (city) where the venue for religious activities is located, and report for the record to the autonomous region's people's government religious affairs department.

Our region's religious personnel who go to outside provinces (regions, cities) to study scripture, and religious personnel from other provinces (regions, cities) who study scripture at venues for religious activities in our region shall consult with and obtain consent from both provincial-level people's government religious affairs departments.

While studying scripture, religious personnel shall abide by the rules system of the venue for religious activities and submit to the management of the people's government religious affairs department and the management organization of the venue for religious activity in the area where they are located.

Article 44. When inviting foreign religious personnel to our region for a visit or religious study exchanges, the religious organization in the autonomous region shall submit an application to the autonomous region's people's government religious affairs department. The autonomous region's people's government religious affairs department shall, within 20 days of the receipt of the application and through joint consultation with the foreign affairs department of the autonomous region, put forward its views upon examination and verification to the autonomous region's people's government. The autonomous region's people's government shall, within 20 days, put forth a decision on whether or not to grant approval. Approved foreign religious personnel in our region shall submit to the management of the people's government religious affairs department and of the foreign affairs department in the area where they are located.

Article 45. Overseas Tibetan compatriots may participate in religious activities at venues for religious activities in our region, but may not lead religious activities, or engage in such activities as initiations into monkhood or nunhood, consecrations, expounding Buddhist sutras, proselytizing, or cultivating followers.

Section 4 Legal Liability

Article 46. Where religious organizations, venues for religious, activities, and religious personnel, in violation of the provisions in the third clause of Article 3 of these measures, utilize religion to carry out illegal activities such as those that harm national security or public security, impair the order of social management, infringe on citizens' individual and democratic rights, or violate public and private property, the relevant responsible

department imposes, where the circumstances are not serious and do not constitute a crime, administrative penalties according to the law. Where the circumstances are serious and do constitute a crime, criminal liability is investigated according to law. If harm is caused to a citizen, legal person, or other organization, civil liability is undertaken according to law.

Article 47. Where a religious organization or venue for religious activity, in violation of the provisions in the second clause of Article 12 of these measures, accepts, without authorization, foreign contributions, the people's government religious affairs department at the county level or above confiscates the contributions. Where the circumstances are serious, the office that administers [the organization's or venue's] registration orders the relevant religious organization or venue for religious activities to dismiss and replace the person(s) directly responsible.

Article 48. Where, in violation of provisions in Article 13 of these measures, a religious structure such as an outdoor religious statue, stupa, or mani lhakhang [prayer (wheel) temple] is built without authorization outside of a venue for religious activity, the people's government religious affairs department at the county level or above orders redress, suspension of construction, and demolition within a specified time limit, in accordance with relevant laws and regulations.

Article 49. Where, in violation of Article 16 of these measures, a venue for religious activities is rebuilt, expanded, or repaired without authorization, the people's government religious affairs department at the county level or above orders the suspension of construction and demolition within a specified time limit.

Article 50. Where a venue for religious activities, in violation of the provisions in Article 21 of these measures, organizes a scripture class without authorization, the people's government religious affairs department at the county level or above orders amends and confiscates any illegal gains. Where there is a violation of public security management provisions, the public security office imposes a public security management penalty according to law.

Article 51. Where, in violation of Article 28 of these measures, a large-scale religious activity is organized across zones without the examination and approval of the religious affairs department, the religious affairs department orders the discontinuation of the activity and confiscate any illegal gains. The department may also concurrently impose a fine of double to quadruple the amount of the illegal gains. In addition, where a religious organization or venue for religious activities has acted without authorization, the management office [that oversees] registration may order the religious organization or venue for religious activities to dismiss and replace the person(s) directly responsible.

Article 52. Where religious personnel, in violation of the provisions in Article 33 of these measures, engages in religious activities such as initiation into monkhood or nunhood, consecrations, expounding Buddhist sutras, proselytizing, or cultivating followers outside of a venue for religious activities without authorization, the people's government religious affairs department at the county level or above orders amends. Where the circumstances are serious, the people's government religious affairs department at the county level or above recommends to the relevant religious organization that it disqualify their religious personnel as such.

Article 53. Where religious personnel, in violation of the provisions in Articles 41, 42, 43, and 44 of these measures, cross zones for religious activities, without approval or putting on record [these activities], the people's government religious affairs department at the county level or above orders amends. Where the circumstances are serious, the people's government religious affairs department at the county level or above recommends to the relevant religious organization that they disqualify their religious personnel as such.

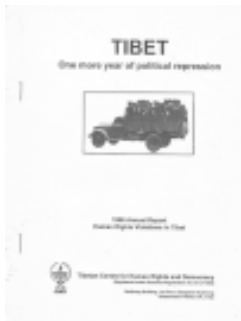
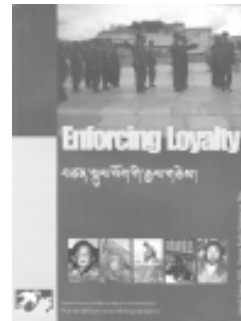
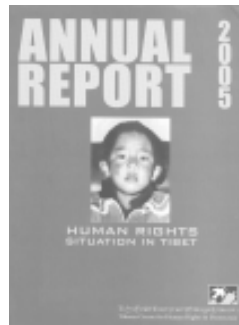
Article 54. Where overseas Tibetan compatriots, in violation of the provisions in Article 45 of these measures, lead religious activities, or engage in such activities as initiations into monkhood or nunhood, consecrations, expounding Buddhist sutras, proselytizing, or cultivating followers, the people's government religious affairs department at the county level or above orders amends. Where the circumstances are serious, public security offices handle the matter according to entry-exit management laws and regulations.

Article 55. As for acts in violation of the State Council "Regulation on Religious Affairs" and other provisions under these measures, [in the case where] there are already penalties stipulated under laws and regulations such as the Regulation on Religious Affairs, those provisions should be followed.

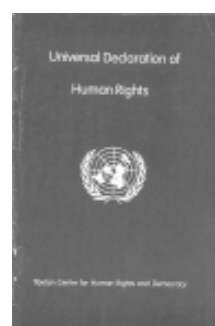
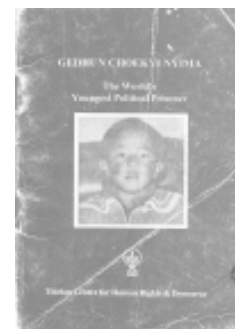
Section 5 Supplementary Provisions

Article 56. These implementing measures automatically enter into force on January 1, 2007. The Tibet Autonomous Region Temporary Measures on the Management of Religious Affairs promulgated by the Tibet Autonomous Region people's government on December 20, 1991, are repealed simultaneously.

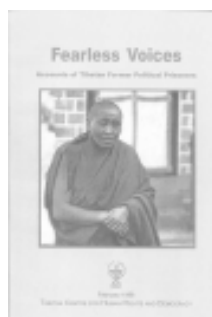
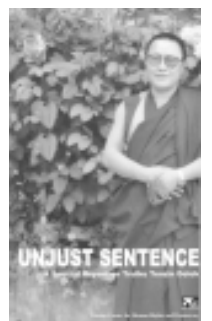
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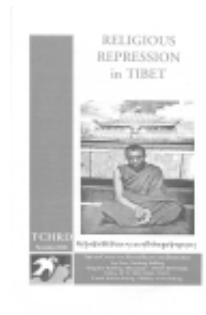
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VISUAL DOCUMENTARIES

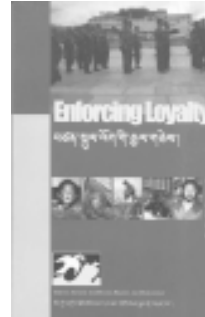
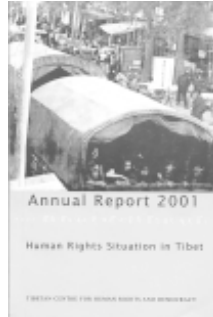
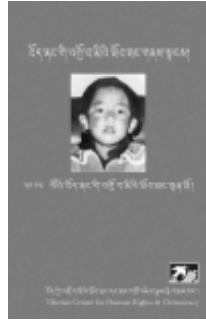


Destruction of Serthar Buddhist Institute (Video)

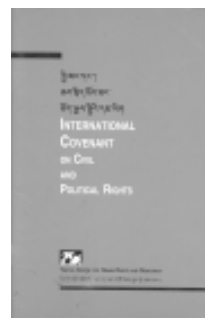


Democratisation process in exile and Structural framework of the C.T.A

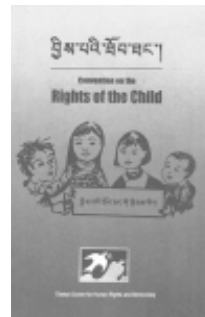
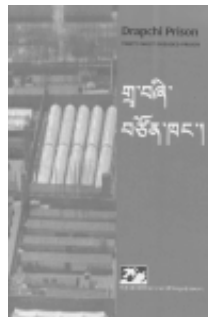
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