

# Annual Report, 1996 - One More Year of Political Repression

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## Glossary of Terms and Abbreviations

Barkhor:

Central circumambulation and market area around the Jokhang Temple in Lhasa

Boe:

Wooden container with a 14 kg capacity

CAT:

UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CEDAW:

UN Convention on the Elimination of All Forms of Discrimination Against Women

CERD:

UN Convention on the Elimination of All Forms of Racial Discrimination

Counter-revolutionary:

Legal/political term for an enemy of the state or for any act "committed with the goal of overthrowing the political power of the dictatorship of the proletariat and the socialist system" (Chinese Criminal Code, 1980, Art. 90). The revised Criminal Law has replaced this term with "endangering state security"

County (Tib: dzong):

Administrative division approximately equivalent to a district

CPL:

Criminal Procedure Law (of China); the revised CPL came into effect on January 1, 1997

Detention Centre (Ch: kanshouso):

Place where prisoners are held without charge and subject to investigation prior to sentencing. Gutsa is the detention centre for Lhasa prefecture and Seitru for "TAR"

DMC:

Democratic Management Committee; these administrative organs established from 1962 in monasteries and nunneries in Tibet and reconstituted under the "patriotic re-education" campaign

Drapchi Prison:

Officially known as "Tibet Autonomous Region No. 1 Prison; the only prison in Tibet acknowledged by the PRC

Endangering State Security:

Charge introduced in the revised CPL to replace "counter-revolutionary"

Floating Population (Ch: liudong renkou):

Used to refer to those settlers who are unregistered permanent and temporary residents in Tibet

Gyama (Tib):

Unit of measurement equivalent to 500 grams

ICCPR:

UN International Covenant on Civil and Political Rights

ICESCR:

UN International Covenant on Economic, Social and Cultural Rights

Khel:

The load that can be carried by a yak; equivalent to 28 gyama

Lhasa City:

This municipal area incorporates the city of Lhasa, the capital of Tibet, as well as administering eight counties

Motse:

Ten motse is equal to one yuan

Mu:

A measure of land area equal to 67 square metres

Patriotic Re-education:

A sub-campaign of "Strike Hard" under which Chinese work-teams have been sent in to Tibetan monasteries and nunneries to enforce Communist ideology

Phing:

Ten phing is equal to one mosey (Chinese currency)

PRC:

People's Republic of China

Prostrate:

Buddhist practice of lying down before any sacred body

PSB:

Public Security Bureau

Rukhag:

One small unit within a village

Sang:

Unit of measurement equivalent to 50 grams (ten sang = one gyama)

Sho:

10 sho is equal to one sang

Splittist (Tib: khadrel ringluk):

A term used by China to refer to those who advocate the Tibetan independence

Strike Hard (Ch: yanda; Tib: dungdek tsanen):

A campaign targeted at crushing corruption and crime. Within Tibet, Chinese authorities have focused on "splittist" actions

TAP:

Tibetan Autonomous Prefecture; 10 of these administrative areas (below the level of a province or region) were created outside "TAR" by the Chinese authorities and are located in north and eastern Tibet (in the Tibetan provinces of Kham and Amdo)

TAR:

Tibet Autonomous Region; formally created by China in 1965, this area of central and western Tibet is the only area recognised by China as "Tibet"

TCHRD:

[Tibetan Centre for Human Rights and Democracy](#)

TIN:

[Tibet Information Network](#); an independent monitoring group based in London

UDHR:

UN Universal Declaration of Human Rights

Work team (Ch: gongzuo dui, Tib: las don ru khag):

Specially formed and temporary units of Party members sent to conduct investigations or give re-education in an institution or locality

Yuan:

Chinese currency; 8 yuan is equivalent to US\$1

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## **Executive Summary**

In 1996, reports of grave human rights violations against Tibetans in occupied Tibet continued on a monumental scale. The brutal repression of freedom of religion is outstanding in Tibet where the peaceful beliefs and customs of Buddhism play such a profound role in cultural life. Under the aegis of the national "Strike Hard campaign", the authorities of the People's Republic of China have focused on "splittists" in Tibet in an attempt to stifle the voice of Tibetans calling for independence and fundamental freedoms.

China's campaign of "Strike Hard" against Tibetans comes in the wake of growing resentment among the Tibetans against various sanctions imposed by China on the religious practices of the people. Chen Kyui yuan's five-point proposal, adopted by the Chinese People's Political Consultative Conference (CPPCC) is clearly aimed at completely destroying the cultural identity of the Tibetan people, besides overlooking the fact that such a strategy would constitute gross interference in the religious matters of the Tibetan people and a violation of their right to religious freedom.

Chinese "work teams" have been sent in to Tibetan monasteries and nunneries to conduct forcible "re-education" sessions. The refusal of the monks and nuns to renounce their religious beliefs and their leader, the Dalai Lama, has resulted in more than 110 known arrests, at least two deaths and some 1300 expulsions in 1996.

The effects of the Panchen Lama dispute continued throughout 1996 in Tibet. Seven individuals are known to be still in detention following their support of the child recognised by the Dalai Lama, while four others have disappeared.

In 1996 the Tibetan Centre for Human Rights and Democracy recorded 204 known cases of arrests of Tibetans for exercising their freedom of expression and assembly. Arrests have resulted from peaceful actions ranging from the possession of a picture of the Dalai Lama or the Tibetan national flag, the voicing of "Free Tibet" or a non-violent demonstration of just a few minutes duration.

Including the number of Tibetans placed under detention in 1996, there are as many as 1042 political prisoners who have already spent years of their life in custody and still today remain

behind bars. Such cases represent ongoing violations of human rights - years of denial of due process, torture and ill-treatment, and frequently the arbitrary extension of prison sentences for the exercise of human rights whilst in detention.

The great majority of imprisonments constitute arbitrary arrests and detention. Often individuals have not been informed of the charge against them, they have been denied legal access, they have been detained for unreasonably lengthy periods, their relatives and families have not been informed of their whereabouts and they have not been accorded a fair trial.

Officials have acted with impunity in perpetrating a variety of inhumane torture methods against Tibetan political prisoners. In 1996 eight reports of Tibetans dying as a result of police torture and ill-treatment were received. Three of these were deaths in custody.

There are 12 known cases of disappearances in Tibet for 1996. Seven year-old Gendun Choekyi Nyima, recognised by the Dalai Lama as the reincarnation of the Panchen Lama, and his parents have been missing since May 1995 and Chadrel Rinpoche, head of the Chinese appointed Search Committee for the reincarnation, has disappeared since 17 May 1995.

Reports in 1996 reveal that the PRC authorities continue to directly implement policies of racial discrimination against Tibetans in various spheres of life including public, education, employment and housing. The rights of Tibetans as a minority group regarding their culture, religion and language have also been denied.

Groups particularly vulnerable to Chinese brutalities in 1996 were Tibetan women and children. Tibetan women have been subjected to torture and sexual violence in prisons and their reproductive rights have been violated by Chinese official policies. In 1996, 21 women were arbitrarily arrested and there were a total of 278 female political prisoners. 51 Tibetan political prisoners under the age of 18 were detained in Chinese prisons and over 280 student monks under the age of 16 were expelled from their monasteries. Two young monks, Gelek Jinpa, aged 14 and Dorje, aged 17, were shot in the leg by Chinese troops in May 1996.

The increasing Chinese population transfer into Tibet has reduced the Tibetan people to a minority group in their own land. In Tibet today there are over 7.5 million non-Tibetan settlers including Chinese and Hui Muslims while Tibetans inside Tibet comprise only six million. As the Chinese control over all spheres of economic, social and political life is tightened, the Tibetan people are further and further marginalised and disempowered.

In 1996 there were several serious reports of Nepal violating the right to seek asylum and other refugee rights of Tibetan asylum-seekers. One hundred and sixty Tibetan refugees were reported to have been arrested by Nepalese authorities in 1996 and others have been tortured, denied prompt and adequate medical attention, and deported.

Due to the extraordinary difficulty of obtaining information and statistics of human rights abuses within Tibet, this report is by no means a complete report of incidents which have taken place in 1996. The Tibetan Centre for Human Rights and Democracy has relied primarily on testimonial provided by Tibetan refugees in India, in addition to sources within Tibet, the Tibetan Government-in-Exile, and other concerned human rights and Tibet support groups. Wherever possible, we have cross referenced information from more than one source.

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# **1. The Right to Freedom of Religion**

## **International Law**

The right to freedom of religion is entrenched in article 18 of the Universal Declaration on Human Rights and article 18 of the International Convention on Civil and Political Rights (1) (hereinafter ICCPR). In Tibet the Buddhist religion is also a deeply significant part of the cultural and ethnic identity of the Tibetan people. In addition therefore, their freedom of religion is protected as both a cultural right by article 15 of the International Covenant on Economic, Social and Cultural Rights (2) (hereinafter ICESCR) and as a right of minority groups by article 27 of the ICCPR which states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The PRC authorities have particularly targeted religious institutions and initiates in Tibet, and the vicious religious clampdown in 1996 aims to stifle promotion of national independence and political dissent.

## **China Politicises the Panchen Lama Issue**

On 14 May 1995, the Dalai Lama announced Gendun Choekyi Nyima as the 11th reincarnation of the Panchen Lama, Tibet's second highest leader. Within days of the announcement the six year-old boy and his parents had disappeared, and it was not until after 12 months, and the installation of a child chosen by Beijing, that the PRC admitted they were being held (3).

The effects of the Panchen Lama dispute continued throughout 1996 in Tibet. At midnight on 15 March 1996, four student monks were taken from their quarters in Kumbum monastery in Amdo province (Chinese: Qinghai) by a squad of 13 police. The four, Damchoe Gyatso (27), Jigme Tendar (29), Phuntsog (25) and Damchoe Kalden (31), believed to be still in detention, were accused of producing pro-independence posters and leaflets containing prayers for the long life of the late Panchen Lama whose birthplace is about 75 km from Kumbum.

The handwritten posters condemned China's intervention in the Panchen Lama succession and the writers promised to oppose any attempt to bring the false reincarnation - the child named by the Chinese government as the official reincarnation - to Kumbum.

In total there were some 48 persons detained for involvement in the case of the reincarnated Panchen Lama. These cases were referred to the UN Working Group on Arbitrary Detention in September 1995, and subsequently transmitted by the Working Group to the PRC government. The PRC claimed, in its reply received in May 1996, that Chinese authorities had scrupulously adhered to the sentiments of the Tibetan people. The reply said the Chinese' choice of the reincarnation of the Panchen Lama had taken place "strictly in accordance with religious ritual" and that "Far from undermining religious freedom, therefore, it was in fact an expression of the Chinese government's strict observance of religious freedom."

The government reply criticised the Dalai Lama as having "confounded every established procedure by unilaterally proclaiming his own choice of the reincarnated child" and said, "Fortunately this irregularity was quickly denounced by the central government". The Dalai Lama's proclamation was, according to the Chinese government, considered "illegitimate and without effect".

The government reply reiterated the claim that Gendun Choekyi Nyima was "in danger from Tibetan separatists in exile and that the parents had appealed to the government for protection". No indication of the whereabouts of the family or the conditions under which they were being kept was given.

Concerning the state of the detained, the PRC government supplied the following information;

- That Chadrel Rinpoche, after leaving Beijing in mid-May 1995 to return to Tibet had "suddenly taken ill and had to be hospitalized. Considering the fragile state of his health, the Managing Committee of the Tashilhunpo Monastery thought it best to relieve him of his function as Administrator. He is at present under medical care."

Chadrel Rinpoche was the abbot of Tashilhunpo monastery, the traditional seat of the Panchen Lama, and was appointed leader of the Search Committee for the reincarnation of the Panchen Lama by the Chinese authorities more than six years before the Dalai Lama's announcement. In contrast with this official response, Chadrel Rinpoche has reportedly been in detention since May 1995 on suspicion of having communicated with the Dalai Lama in exile regarding the choice of the reincarnation. He has been accused in newspaper articles of "manipulating religious rituals and the historical convention".

On 22 May 1996, Chadrel Rinpoche was stripped of his membership of the Sixth "TAR" CPPCC (Chinese People's Political Consultative Committee) and removed from his post as Vice-Chairman because he "went against the fundamental stand of the nation and lost his political direction". The announcement of 24 May 1996 on Radio Lhasa added that "In doing this, we have purged the CPPCC of bad elements and have made it clean...". Chadrel Rinpoche had already been replaced in July 1995 as head of Tashilhunpo monastery's management committee.

- That Samdrup (a businessman from Shigatse), Thupten Dapa (layname:Gonpo) and Topgyal had been placed under investigation for suspicion of revealing important state secrets in violation of the Chinese Criminal Law, but that the latter two had been taken off the investigation list.
- That the following had been sentenced to prison terms "for taking part in disturbing social order and obstructing state officials from fulfilling their functions" thus violating the Criminal Law: Lobsang Tendor (layname Tendor); Gendun Gyatso (Gendun); Sherab Cheme (Buchung); Lobsang Choedak (Chungdag) and Thubten/Shepa Kalsang (also known as Lobsang Phuntsog).
- That the following 19, previously under investigation for "disturbing social order and obstructing state officials from fulfilling their functions", had been released: Gyatrul Lobsang Gyalpa (layname: Gyatrul Rinpoche, a lama from Tashilhunpo monastery); Lobsang Youden (Lhakpa Tsering); Lobsang Nyendak (Ringkar Ngawang); Lobsang Cholang (Ngodrup); Lobsang Tenzin (Tenzin); Lobsang Sherab (Sherab); Lobsang Tashi (Tashi Dondrup); Sherab Phuntsog (Tsering Phuntsog); Lobsang Phuntsog

(Sonam Phuntsog); Lobsang Palju (Lobsang Tseten); Lobsang Wangchug (Wangchug); Pema Dorje; Lobsang Lungdog (Lhakpa Tsering); Lobsang Gyaltzen (Lobsang Dawa), Champa Samden (Tsering Gonpo), Lobsang Dorje (Dorje Gyaltzen) (all monks from Tashilhunpo monastery); Lobsang Yangphel (Pema), Lobsang Tenzin (Champa Tenzin), Lobsang Dadoi (Penpa Tsering).

The government failed to give details regarding eighteen unnamed persons reportedly detained for involvement in the case of the reincarnated Panchen Lama.

A large number of monks have also left or been expelled from their monasteries throughout 1996 for refusing to denounce Gendun Choekyi Nyima as the reincarnation. In January 1996, nine monks from a monastery in Shigatse were reportedly detained after burning pictures of seven year-old Gyaltzen Norbu, the boy chosen by the Chinese authorities.

### **China's "Strike Hard" Campaign in Tibet**

In April 1996, the Government of the PRC launched the nation-wide "Strike Hard" or "Crack Down Severely On Crimes" campaign, targeted at crushing corruption and crime. Within Tibet Chinese authorities have focused on "splittists" - individuals who support Tibetan independence and the leadership of the Dalai Lama. The main sub-campaign of Strike Hard within Tibet is the so-called "Patriotic Re-education Campaign" and followed from earlier campaigns, such as that banning photographs of the Dalai Lama, which aimed to stifle politically restive monks. The "Patriotic Re-education" campaign in Tibet has led to widespread arrests and expulsions of monks who have refused to be "re-educated" along Chinese communist lines.

### **Ban on Photographs of the Dalai Lama**

On 26 January 1996 the order was given by the "Tibet Autonomous Region's" Department of Culture to Norbulingka and Potala Palace to remove all photographs of the Dalai Lama. Following this order, the ban was extended to public institutions and private homes.

On 7 May 1996 a Chinese "Work Team" (Chinese: gongzuo dui) arrived at Ganden Monastery, tasked with removing all photographs of the Dalai Lama. The monks refused to co-operate, sparking off a riot. One monk, Kelsang Nyendrak, died after being shot by Chinese authorities, and five other monks, including 14 year-old Gelek Jinpen, received bullet wounds. Reports of arrests of monks range from 85 to 90. A few months later a number of monks were expelled as "fugitives".

While some of those arrested were released in the following months (eight in June, three on 23 July and 15 on 30 August), 15 are known to be still in custody.

### **"Re-education Campaign"**

The "Patriotic Re-education" campaign aimed not just to strike at the heart of Tibet's spiritual culture, but also to clamp down on the powerful dissident movement that had taken root in many monastic institutions. The two main tools of the campaign have been the enforcement of laws restricting entrance to monasteries and the introduction of a political pledge with five principles:

1. Opposition to separatism;
2. The unity of Tibet and China;
3. Recognition of the Chinese appointed Panchen Lama;
4. Denial that Tibet was or should be independent, and
5. Agreement that the Dalai Lama is destroying the unity of the people.

The effect of both of these measures has been to de-populate the monasteries.

Monks are given red-cards if they assent to these principles. They are subsequently allowed unrestricted travel within China and are seen by the Chinese as, "[having] great belief and love for their country and religion". Those who refuse receive a green (sometimes described as blue) card and are considered to have "unsatisfactory love for their country and religion". The green card restricts travel to within the region of domicile and holders must prove their loyalty to the nation, generally by refraining from any "splittist" activities, in order to earn the red-card.

### **Work Teams**

As part of the re-education process, it is common practice for Chinese "work teams" to be sent into monasteries to instruct monks on the evils of the Dalai Lama and Tibetan nationalism. Should the monks refuse to be "re-educated", they may suffer harassment, expulsion or arrest.

Monks are asked to study the following materials issued by the Chinese authorities: "A Brief Explanation and Proclamation on Tibetan History" [Tibetan: *bod kyi lo rgyus sgrog sbyang 'grel bshad kyi gnad bsdus*]; "A Brief Explanation and Proclamation on Opposing Splittism" [*kha phral la ngo rgol bya rgyu'i sgrog sbyang 'grel bshad kyi gnad bsdus*]; "A Brief Explanation on Legal Knowledge" [*khriims lugs shes bya'i sgrog sbyang 'grel bshad kyi gnad bsdus*] and "A Brief Explanation and Proclamation on Religious Policy" [*chos lugs srid 'jus kyi sgrog sbyang 'grel bshad kyi gnad bsdus* ].

Work teams in the following monasteries have been reported:

- Drepung - a 180 person team (some Tibetans but mostly Chinese) which arrived on 1-2 August 1996 was holding group lectures and also engaging in private tutoring whereby a group of officials focus on a single monk; putting questions, issuing threats and inquiring about the activities and attitudes of other monks. Work team officials were pressuring young monks to give up their studies and return home. Some Drepung monks resigned in advance of the written examinations which would have required the monks to denounce the Dalai Lama. Despite threatening monks with expulsions and prison sentences if they opposed the campaign, the work team was forced to admit the failure of the re-education session. For example, during a meeting on 4 November 1996 a work team official declared that 20 percent of monks continued to hold "reactionary views" towards the government and that about 60 percent are "lacking in their own ideology" and in this way following the "reactionary views".
- Gyantse - a 15 member work team had been in residence since early July. They were lecturing three evenings a week and were planning to stay for three months.
- Shalu - A team of five officials in residence.



- Sakya - A 20 member work team had been there since July conducting daily “political” sessions from 3 to 7 p.m. The sessions were due to end in mid-October (4). Sakya nunnery also has a work team of 3 officials giving daily lessons.
- Sera - A work team of 70 officials arrived in June and have held main sessions three times a week. There are attendance slips which must be kept, and monks must write their own biography, give a thumbprint and sign the five points. In order to illustrate the benefits of Chinese rule in Tibet, officials at Sera reportedly employ educational techniques such as visits to Lhasa’s military hospital and modernisation projects in Lhasa (5). Armed officials or police are said to be deployed on rooftops around the monastery during all sessions. In November 1996, five Sub-Committees - Health, Finance, Culture, Security and Education - were added to the Democratic Management Committee of Sera Monastery, presumably to further disempower the monks.
- Nechung - A work team comprising seven officials, all Tibetans, in residence.
- Ganden - For six months from May to October 1996, Ganden Monastery was closed to outsiders. Chinese military personnel camped in tents at the foot of the hill where the monastery is situated. No communication was allowed between the monastery and the outside.
- Samye - A work team was sent in July/August.
- Sangdog Palre - Four-member work team in residence and to remain for three years.
- Chamdo - The campaign was launched with the arrival of a 24 member work team in August 1996. The work team planned to carry out the campaign for forty days and extend if they did not achieve the desired results. There are 13 classes, each with 60 to 180 monks, conducted at 2 p.m. and then at 6 p.m. The 2 p.m. class focuses mostly on the five principles (6) and at 6 p.m. the lesson concentrates on Chinese Communist ideology.

### **Arrests and deaths in custody**

Unofficial media figures report at least 2,200 executions and thousands of heavy prison sentences across China since Strike Hard’s launch. Within Tibet, there are reports of more than 110 arrests and at least two deaths in 1996 in connection with the campaign. Twenty four of the arrests were a direct result of monks questioning a work team’s form of education.

In July 1996, Dorjee (family name: Khangtsiri), aged 66, died after he was beaten up by members of the People’s Armed Police and the PSB (7) and in May 1996 Kelsang Nyendrak, a Ganden monk, was shot by Chinese forces and died (8).

In July three monks and two laypeople were arrested at Sera monastery for pasting wall posters and protesting denial of religious freedom. Also in July, four other Sera monks were arrested for protesting against the work team's campaign.

In Drepung monastery, 13 monks are known to have been arrested during the re-education campaign. Ngawang Tharchin, aged 25 from Dhamshung County, was detained in September 1996. Ngawang had reportedly challenged a work team member regarding the Chinese version of Tibetan history on four occasions and on occasion criticised one of the work team member’s lack of on this subject.

Ngawang was reportedly arrested two weeks after standing up during a re-education lecture and contesting a statement that Tibet has been part of China since the Yuan dynasty. He was

expelled from the monastery and sentenced on about 25 October 1996 without trial to three years re-education through labour for holding a "reactionary attitude". He is believed to be in Trisam Prison, 10 km west of Lhasa.

Another Drepung monk named Gyaltzen Yeshe, aged about 20 from Meldro Gongkar was also arrested at around the same time for challenging the work team. Gyaltzen strongly raised the issue of Tibetan independence during work team discussions, asking for historical evidence and unbiased records to prove the contrary. Gyaltzen was subsequently expelled and sentenced to three years imprisonment.

Yeshe Jangchub, aged 65 of Meldro Gongkor County, also of Drepung monastery, was detained for one month for the possession of photographs of the Panchen Lama and three prayer books. Two other monks - Thinley Kalden of Chushul County and Ngawang Sangpo of Meldro Gongkar - were also arrested in connection with this. Thinley was released after one month and Ngawang is still in detention in Sangyip Prison.

Other Drepung monks arrested were: Ngawang Choegyal (layname: Gyatso) aged 34 from Kham who was detained on 20 August; Ngawang Lhundup of Dhamshung County; Ngawang Shakya and Jamphel Wangchuk both of Rinpung County; Phuntsok Tashi, Phuntsok Jamdhen and Ngawang Gyatso, all of Lhundup County; and Ngawang Thupwang of Lhoka Danang County.

There are unconfirmed reports of deaths in an incident at Ganden Choekor monastery in Ringon, Namling county, 50 km east of Shigatse. A monk called Lhundrup Palden is said to have been arrested in November or December along with two of his students after he distributed a long-life prayer for the child recognised by the Dalai Lama as the reincarnation of the Panchen Lama. Another report, unverified, said that two student monks had drowned after they had jumped into a river to escape from police.

It was reported that two arrests and one death in custody have resulted from the re-education sessions at Sakya monastery (10). On 23 August the caretaker-monk of Sakya's main chapel, Gendun Gyaltzen, was arrested during a political meeting after pictures and cassettes of the Dalai Lama were found in his room. After having his thumbs placed in metal "thumbcuffs", Gendun Gyaltzen was led away by police. One week later, after his release, he was expelled.

Tenchok Tenphel, a 27 year-old monk, was reportedly arrested at Sakya monastery on 1 September 1996 in front of a re-education session. He was held in the Sakya County Prison where he died on 14 September. While police said that he had committed suicide, local sources allege that he had died as a result of abuse in prison and no autopsy was carried out.

Sometime in September 1996, according to a former monk, 14 monks of Ganden monastery were transferred to Drapchi Prison after sentences of up to eight years were imposed on them. Another 12 to 13 monks were moved to Trisam Detention Centre where the highest sentence imposed was three years.

## **Executions**

In the first month of the Strike Hard campaign there were reported to be 187 arrests in Chamdo prefectural region alone. Amongst these, 34 Tibetans have been executed in the TAR region. Four of these were announced in Lhasa on 11 May 1996; eight in Shigatse on 27

May 1996; four in Nyingtri on 12 July 1996; nine in Lhasa on 9 July 1996; and four more in Lhasa on 6 August 1996. According to unofficial sources a further five were executed in Tsethang on 11 September 1996. The rate of execution was eight times higher in Tibet than in China during the campaign.

### **Voluntary depopulation**

Many monks have chosen to voluntarily leave monasteries rather than renounce their spiritual leader. Tsering Dawa (12), who was working at Samye monastery during the re-education campaign, reported that in July /August 1996, a "work team" was sent in to Samye monastery. Tsering's brother, Tenzin Dorjee, was a 25 year-old monk and disciplinary in charge of the dialectical class at Samye. The "work team" distributed questions to the monks testing their beliefs. On 10 September 1996 Tsering found his brother missing, his whereabouts unknown, and said he suspected this was a result of Tenzin Dorjee's vehement opposition to these questions.

Tenzin Bhagdo (13), aged 23, from Drepung monastery reported that a "work team" was sent in to Drepung on 2 August 1996. "During the campaign each monk was called to a secluded place and was individually interrogated by a member of the work team. The questions aim to oppose His Holiness the Dalai Lama and to denounce the Panchen Lama reincarnation recognised by His Holiness. Each monk was interrogated three times. If one does not give a satisfactory answer on the third time, he will not only be debarred from the monastery but is also sure to be put behind bars", he said. Tenzin left the monastery before his third interrogation for fear of being imprisoned.

It is reported that approximately 50 monks have voluntarily left Drepung monastery for fear of arrest.

### **Expulsions**

Waves of expulsions have taken place throughout Tibet in 1996 as part of "Strike Hard". Reports of expelled monks total some 1295 and Chinese authorities have targeted young religious initiates in particular.

It is reported that a monastic school in Kumbum monastery, Amdo region, of 200 pupils was closed on 6 May 1996. One hundred of the students, 11 unregistered monks, were subsequently expelled. Rev. Palden Dhondup, the 80 year-old abbot of Chubsang Nunnery, north of Lhasa, was reportedly expelled from the nunnery in July 1996.

On 30 August 1996 at Ganden Monastery 92 monks were expelled, including 15 monks (released that day) who had been imprisoned in May following protests at the monastery. No reasons were given and the monks were told that, because they had turned against the nation, they could not rejoin a monastery and that they could not go to Lhasa unless they were originally from that city.

Sonam Choephel, a Ganden monk who escaped to India, said that political officials decided which monks to expel during the three month re-education session based on observations of the monk's willingness to reform, his attitude to the Chinese and his denunciation of the Dalai Lama.

On 31 August 1996 a second group of around 60 or 70 Ganden monks, most of them below the age of 15 were expelled. (15) There are presently about 300 monks in Ganden and, as this is 100 less than the official ceiling of 400, this suggests that both registered and unregistered monks are being expelled.

Tsultrim Gyaltzen (16) is a 20 year-old monk from Dunbhu Choekhor Monastery (belonging to the Sakya school of teaching) in Chideshol in Lhokha district. He and three other monks had refused to sign a document which denounced the Dalai Lama and rejected Gendun Choekyi Nyima as the reincarnation of the Panchen Lama and were consequently expelled.

On 23 August 1996, the caretaker-monk of Sakya monastery's main chapel, Gendun Gyaltzen, was arrested after pictures and tapes were found in his room. One week later, after his release, he too was expelled. (17)

A Drepung monk has reported that 216 monks have been expelled from Drepung monastery in 1996. Other sources report that Drepung monks under 15 or 16 years of age have recently been expelled. These sources report that other monks were warned that if they failed to accept the five point political pledge required under the Chinese re-education campaign by 25 December 1996 they would also be expelled.

Thupten Tsering, a former Sera monk now in India, reports that on 17 November 1996 eight Sera monks from Toelung, 12 km west of Lhasa, all below the age of 16, were expelled. Similarly, on 18 November 1996, 18 more Sera monks aged below 16 from Phenpo Lhundrup (135 km north of Lhasa) were expelled. Then on 19 November 1996, 33 monks below the age of 16, originating from Lhasa and near-by regions, were expelled. On 20 November 1996, Sera monks below the age of 16 from Meldro Gongkar, 73 km east of Lhasa, were to be expelled but no more definite information was available regarding this incident.

In Sera Monastery 515 monks have been issued red passes and allowed to continue in the monastery. The rest of the monks are believed to have been issued green passes and remain in the monasteries under certain conditions. The pleas of other monks of Sera monastery to the authorities not to expel the novice monks went unheeded. The expelled monks who have some knowledge and experience have been stripped of all rights to perform religious ceremonies in their native villages.

In Lhatse Monastery 52 of the 75 monks have been expelled since May 1996. Ngawang Jampa, aged 24 from Lhatse, Palbar Dzong, was one of them. He was expelled in late May after refusing to put his thumb print as a mark of agreement. Ngawang subsequently joined Chamdo Monastery but was similarly expelled from there in late 1996. He had been told during one of his annual trips to Lhatse by Religious Bureau and PSB officials that if he returned to Chamdo he would face expulsion. Ngawang responded that his studies were in Chamdo and that he would have to return and, as a result, his name was removed from the monastery's master-role.

Other Chamdo monks were asked to go to the monastery of their respective district to continue their education campaign and would then need to receive permission from the district office to return to Chamdo. However, it had reportedly already been decided by the authorities not to grant this permission and, as a result, 500 of the 1500 monks were expelled.

It was also decided that novice monks below the age of 18 would also be expelled but thus far this has not been implemented.

It was reported by Ven. Dawa and Phurbu Tsering of Kongpo Sangdog Palre Monastery, who fled Tibet in October 1996 following their expulsion, that 200 monks from their monastery had been expelled.

### **The "Last Battle"**

In January 1996 Chinese religious authorities warned, "Those who make use of religion to interfere with administrative, judicial, martial, educational and other social affairs, especially those who take advantage of religious reasons to split the country, must be severely cracked down upon according to law". (18)

Three immediate tasks were identified in order to "clean-up problems in religion" in 1996: to order all places of worship to register; to deal with difficult religious problems of public concern; and to cultivate contingents of young patriotic religious preachers.

In November 1996, the Tibet Central Committee launched a "Last Battle" against the Dalai Lama, aimed at eradicating any vestiges of the Dalai Lama's influence from all levels of society. Their report stipulated that the anti-splittist campaign, launched in the region's monasteries this year, must be broadened and signalled the adoption of "administrative measures to resolve the uncontrolled proliferation of religious festivals and shrines". The report stressed the strengthening of controls over daily life in Tibet which must also involve the close supervision of literature and the arts to ensure that they fulfill the socialist role of "serving the people" rather than propagating "spiritual garbage".

The Committee vowed to deal severely with "any monks or nuns whose religious activities or superstitions affect industrial production or daily life" and, identifying Tibetan youth as the key battleground, called on every school in the region "to push socialist teachings and focus on political and ideological education".

This latest campaign by China against Buddhist Tibet, under the guise of uprooting so-called splittism, intends, by forcing the closure of many monasteries and restricting religious practice, to further strike at the root of the cultural and spiritual identity of the Tibetan people. China's most senior judge, President Ren Jianxin of the Supreme People's Court vowed in December 1996, "On the basis of our successful experiences this year, we will continue to deepen the 'Strike Hard' campaign ... The key task for next year is to eliminate all threats to social stability by asserting complete control over the public order situation throughout the country."

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## **2. The Right to Freedom of Expression and Opinion**

Repressions continue in Tibet under Chinese occupation in spite of China's claims that "citizens enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration. Citizens have the right to criticize and make suggestions regarding any state organ or functionary; ... According to these stipulations, citizens of China have the right to maintain their own political views, a right which is protected by the law".

Tibetans inside Tibet do not enjoy the basic human rights to freedom of expression and opinion, freedom of religion, and freedom of assembly and association. If a Tibetan so much as says "long live the Dalai Lama", he or she may be arrested, tortured and then detained without any formal charges. In 1996 the Tibetan Centre for Human Rights and Democracy recorded (20) 4

known cases of arrests of Tibetans for expressing their political views and for their devotion to the Dalai Lama.

## **International Law**

Article 19 of the Universal Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

## **Cases of Violations of Freedom of Expression and Opinion**

Phuntsok Nyidron, a 28 year-old nun of Michungri Nunnery is serving a 17 year sentence in Lhasa's Drapchi Prison for expressing her political views and singing nationalistic songs whilst in prison.

While in Drapchi Prison, Phuntsok Nyidron and 13 other nuns sang and recorded songs dedicated to the independence of Tibet and applauded the Dalai Lama in front of the Chinese prison guards. The songs were later secretly circulated in Tibet.

The Chinese authorities deemed that the public distribution of these songs amounted to "spreading counter-revolutionary propaganda". As a result on 8 October 1993 Phuntsok Nyidron's sentence was arbitrarily extended by eight years (21) . Phuntsok Nyidron had been arrested on 14 October 1989, for leading a peaceful demonstration in the Bharkor area in the old town of Lhasa, calling for an end to the Chinese occupation in Tibet. She was sentenced to nine years imprisonment. At the time of their arrest,

Phuntsok Nyidron and the other nuns were kicked and beaten and later given electric shocks on their hands, shoulders, breasts, tongue and face. During interrogation each nun was suspended for at least 15 minutes by their hands which were handcuffed behind their backs, their feet above the ground and were beaten with an iron rod whilst in this position.

On 31 July 1996 [Ngawang Sangdrol](#), a 21 year-old nun of Garu Nunnery who is presently in Drapchi Prison, was sentenced to an additional nine years for refusing to stand up when a Chinese official entered her prison cell and for shouting "Free Tibet". Ngawang Sangdrol is now serving a total sentence of 18 years and is the longest sentenced Tibetan female political prisoner.

In mid-March 1996, four student monks of Nga-rig Kye-tsel-Ling (English: Flourishing Garden of Five Knowledges) at Kumbum Monastery in Amdo Region were arrested for publishing a literature magazine. The four monks were 27-year old Dhamchoe Gyatso, editor of the magazine; Jigme Tendar, 29 years old; Dhamchoe Kalden, 31 years old and Phuntsog, 25 years old. They had published an anthology of new Tibetan literature called "Laughter from the Tsongla Rangmo" - referring to a nearby mountain. The magazine, which contained

hand written love poems, prayers, riddles and short stories by local Tibetans, was banned as "counter-revolutionary". The four monks, who were arrested along with 21 other student monks of the monastery, have been detained since that time while the others were released in early May 1996.

In November 1989 [Ngawang Phulchung](#), a monk of Drepung Monastery, was sentenced at a public trial in Lhasa to 19 years imprisonment with deprivation of political rights for five years. He was denounced as the leader of a group of four monks who formed a "counter-revolutionary group" which clandestinely produced political leaflets. Among the "reactionary literature" published by the group was a complete Tibetan translation of the Universal Declaration of Human Rights. The group also criticised human rights violations by the Chinese and listed names of persons arrested or killed by the Chinese police and military.

In another incident, a 24 or 25 year old Tibetan artist named Yungdrung was arrested sometime in late August 1996 in connection with his portraits of the Dalai Lama, some of which included the Tibetan national flag. On October 27th 1996, Yungdrung was found in a state of severe shock in a public toilet in the Bharkor area of Lhasa. The artist was described as "cowering with terror" when he was discovered, apparently as a result of having been tortured in custody. Yungdrung had spent the previous 58 days in Gutsa Detention Centre.

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### **3. Political Prisoners and Prisoners of Conscience**

Today over 1018 known Tibetan political prisoners and prisoners of conscience are suffering in various Chinese prisons in Tibet, including 265 women and 50 persons below the age of 18. The seven year-old Panchen Lama is still being held by the Chinese authorities along with his parents. Political prisoners like Lobsang Tenzin and Jigme Gyatso are serving life sentences and 70 year-old Tanak Jigme Sangpo is serving a 28 year sentence. Nuns like Phuntsok Nyidron and Ngawang Sangdrol are serving prison sentences of more than 17 years for expressing their political views.

Tibetans inside Tibet have continued to speak out against Chinese exploitation of Tibet as a land and the Tibetan people as a race. These protests are carried out in the form of peaceful demonstrations, most frequently conducted around the Jokhang (the main cathedral) in Lhasa, which unfailingly result in the arrest and indefinite detention of the demonstrators. In 1995 alone more than 230 known arrests of Tibetan demonstrators were recorded and in 1996 there were 204 Tibetans known to have been arrested for the peaceful expression of their political views.

#### **3.1. International Law**

Rule No. 31 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (22) states: Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences. Evidence collected over the years suggest that Tibetan prisoners of conscience are treated in the most inhumane manner possible. Tibetan prisoners are subjected to inconceivably cruel methods of torture ranging from whipping to inflicting electric shocks and sexual abuse in case of female political prisoners. They are subjected to torture as a means of obtaining confessions during interrogation sessions. Prisoners are frequently held

incommunicado and are detained in sub-standard prison conditions. Between 1995 and 1996, eight known cases of deaths in custody were reported from Tibet, the youngest being Sherab Ngawang who died in May 1995 at the young age of fifteen.

### **3.2. Cases of long serving political prisoners still in detention**

Tanak Jigme Sangpo, a former primary school teacher and now 70 years old, is serving one of the longest sentences imposed on a prisoner of conscience in Tibet. By the time he is released, in 2011, at the age of 85, Jigme Sangpo will have spent 28 unbroken years in prison. In 1983, aged 57, he was sentenced to 15 years' imprisonment for "counter-revolutionary propaganda and incitement". In 1988 he received an additional five years prison sentence for shouting pro-independence slogans in jail. In December 1991, he was reported to have been beaten for shouting slogans during a visit to Drapchi prison by Swiss government officials to China and to have been subsequently held in solitary confinement for at least six weeks. His sentence was again increased, this time by a further eight years. He remains in Drapchi Prison. Jigme Sangpo had spent at least 13 years in prison for similar offenses before 1980. He shall have spent 41 years in prison by the year 2011 when he is due for release.

Ngawang Phulchung, a 36 or 37 year-old monk of Drepung Monastery, was sentenced at a public rally on November 30, 1989 to 19 years imprisonment. He was accused of forming a "counter-revolutionary group" which had clandestinely produced political leaflets from their monastery. Ngawang Phulchung was arrested in April 1989 along with three other monks of Drepung Monastery. Among the "reactionary literature" published by the group was a complete Tibetan translation of the Universal Declaration of Human Rights. On 30 March 1991, he was severely beaten and placed in solitary confinement for trying to hand over, a petition protesting prison conditions to an American delegation visiting Drapchi Prison.

Sholpa Dawa, a Tibetan tailor in Lhasa, was sentenced to 9 years in October/November 1996, after almost 14 months of detention without charge. He had been arrested for the third time in Lhasa sometime in the early part of August 1995 for engaging in "political activities". Sholpa Dawa was first arrested on September 29, 1981. He was sentenced to two years imprisonment for allegedly distributing pamphlets on the independence of Tibet. He was deprived of his political rights for one year. He spent six months in Gutsa and one and a half years in Sangyip Prison. On 8 November 1985, he was arrested for the second time for distributing pamphlets denouncing the deteriorating living conditions of 6 million Tibetans and the anti-secular foreign (Chinese) invasion of Tibet. Sholpa Dawa was indicted along with eight other young Tibetans. This time he was sentenced to four years in Sangyip Prison and was deprived of his political rights for the duration of one year. Sholpa Dawa will have spent 16 years in prison for expressing his views, by the time he is released.

Ngawang Pekar, a 34 year-old monk of Drepung Monastery, was halfway through an eight year sentence when his prison term was extended by six years on 31 March 1996. In August 1995, Ngawang Pekar was caught trying to smuggle out a list of political prisoners and a document describing human rights violations while in Drapchi Prison. Following his sentence, Ngawang Pekar is now serving a total of 14 years in prison. Ngawang Pekar was first arrested on 12 July 1989 for putting up independence posters and participating in a demonstration.

Lobsang Tenzin, a 27 year-old former student of Tibet University, was sentenced to life imprisonment in March 1991. Arrested on 19 March 1988, Lobsang Tenzin was implicated as



the "principal culprit" in the death of a People's Armed Police officer during the independence demonstrations in Lhasa on 5 March 1988. Lobsang Tenzin was also one of the political prisoners involved in trying to hand over a petition to James Lilley, then U.S. Ambassador to China. According to recent reports, Lobsang Tenzin's sentence has been reduced to 18 years. He is presently serving his sentence in Powo Tramo's Labour Camp. According to some former political prisoners who reached India recently say that his sentence has been reduced to 18 years.

Jigme Gyatso, in his thirty's, was a businessman and also a former monk of Tashi Khyil Monastery in Labrang, Amdo (Chinese: Qinghai). Arrested in 1987 for political reasons, Jigme Gyatso was sentenced to life imprisonment in 1988. His trial was attended by relatives who reported that he received a life sentence. In November 1991, he reportedly became severely ill and was "trembling and unable to stand up". During his illness, he was refused medical treatment although his relatives were allowed to take him to a clinic for a one-time visit. Jigme Gyatso was reportedly beaten in prison even after his illness. He is presently serving life imprisonment in Drapchi Prison.

Jampel Changchub, a 35 year old Drepung Monastery monk, was sentenced to 19 years with five years deprivation of political rights in 1989. He was arrested on 16 April 1989. He was tried at a mass public meeting in Lhasa on 30 November 1989 and charged with "counter-revolutionary" advocacy of Tibetan independence. Jampel Changchub is presently serving his 19 years sentence in Drapchi Prison.

Ngawang Gyaltsen (lay name: Ngoegyan) is a 38 year-old Drepung Monastery monk originally from Toelung Dechen County. Arrested on 16 April 1989 and sentenced to 17 years with five years subsequent deprivation of political rights. As an "accessory offender", he was charged with "actively participating in criminal activities, engaging in espionage, and illegally crossing the national border". Ngawang Gyaltsen was arrested while trying to flee the country with another monk. He was also implicated for sending information about the violence in Lhasa out of the country. Ngawang Gyaltsen is presently serving his sentence in Drapchi Prison.

Ngawang Oezer (lay name: Jamyang), aged 24 years from Lhokha Dranang, was arrested on 16 April 1989 and sentenced to 17 years with five years deprivation of political rights. He was accused of being a "main culprit" in organising a "counter-revolutionary clique" and spreading propaganda.

Tenpa Wangdrak (lay name: Sonam), a 51 year-old former monk of Ganden Monastery, was sentenced to 14 years imprisonment in 1991 for attempting to hand over a petition protesting prison conditions to James Lilley, then U.S. Ambassador to China in Drapchi Prison. Tenpa Wangdrak had been arrested on March 7, 1988 for participating in a demonstration. On 28 April 1991, he was moved to the labour camp in Powo Tramo county in Kongpo (Chinese: Nyingchi) and was held in Dhamchu, a unit within the prison complex.

### **3.3. Serwa Monks in Powo Tramo Labour Camp**

Five monks of Serwa Monastery; Jampa Tashi, Lobsang Palden, Jigme Dorje, Lobsang Tsegye and Pema Tsering were sentenced in 1994 to terms ranging between 12 to 15 years for "counter-revolutionary sabotage". The monks were arrested on 29 March 1994. They had

allegedly broken the name-plate on a government building and pasted up independence slogans in Pakshoe Ritri, about 226 km south of Chamdo.

The monks were sentenced on July 6, 1994 at a public trial by a court of Pakshoe county, Chamdo Prefecture. Jampa Tashi (28) and Lobsang Palden were sentenced to 12 years each, while Jigme Dorje, Lobsang Tsegye and Pema Tsering were all sentenced to 15 years each. The monks are presently being held in Powo Tramo's Labour Camp.

#### **3.4. Known Tibetan political prisoners serving sentences of 10 years and above**

Ngawang Choephel is a 30 year-old Tibetan music teacher. He was arrested in September 1995 and sentenced in December 1996 to 18 years.

Ngawang Sangdrol is a 19 year-old nun of Garu Nunnery who was arrested in 1992 . Her original three year sentence has been extended by six years and later nine years. She is presently in Drapchi Prison.

Phuntsok Nyidron is a 28 year-old nun of Michungri Nunnery. Arrested on 14 October 1989 and sentenced to nine years and then eight years, she is presently in Drapchi Prison.

Dradul, a 25 year-old ex-soldier from Lhasa Town 2, was arrested on 12 March 1989 and sentenced to 16 years. He is presently in Drapchi Prison.

Lhundrup Dorje, a 25 year-old farmer from Dashar village under Medro Gyama Trikhang District was arrested on 30 June 1992 and sentenced on 20 October 1992 to 15 years with four years deprivation of political rights.

Ngawang Chamtsul (lay name Loyak) the 36 year-old former caretaker-monk at the Potala Palace, was arrested on 10 March 1989. He was sentenced at a mass rally on 6 December 1989 to 15 years with five years deprivation of political rights and is presently in Drapchi Prison.

Tenzin Thupten, a 25 year-old nun of Michungri Nunnery, was arrested on August 12, 1990 and sentenced to 14 years. She is presently serving her sentence in Drapchi Prison.

Kunchok Lodroe, a 25 year-old farmer from Dashar village under Medro Gyama Trikhang District, was arrested on 30 June 1992 and sentenced on 20 October 1992 to 13 years with four years deprivation of political rights. He is presently serving term in Drapchi Prison.

Sonam Rinchen is a 25 year-old farmer from Dashar village in Medro Gongkar. He was arrested on 30 June 1992 and sentenced on 20 October 1992 to 13 years with four years subsequent deprivation of political rights and is presently in Drapchi Prison.

Ngawang Tsamdrol, a 22 year-old nun of Nyengoan Nunnery was arrested on 14 May 1992 and sentenced to 13 years. She is presently in Drapchi Prison.

Tsering Phuntsog is a 28 year-old monk of Palkhor Choede Monastery. He was arrested in August 1990 and sentenced to 13 years and is presently in Drapchi Prison.

Tsering Ngodup, a 61 year-old from Lhokha Lhuntse, was arrested on 7 April 1989, sentenced on 12 September 1989 to 12 years, and is presently in Drapchi Prison.

Jigme Yangdon is a 25 year-old nun of Shungseb Nunnery. She was arrested on 28 August 1992 and sentenced to 12 years. She is presently in Drapchi Prison.

Gyaltzen Dolkar, a 23 year-old nun of Garu Nunnery, was arrested on 21 August 1990 and sentenced to 12 years. She is presently in Drapchi Prison.

Lobsang Gelek is a 24 year-old Sera monk from Toe Lhatse. He was arrested on 17 November 1989, sentenced in 1990 to 12 years and is presently in Drapchi Prison.

Rinzin Choekyi is a 23 year-old nun of Shungseb Nunnery. She was arrested on 28 August 1990 and sentenced to 12 years and is presently in Drapchi Prison.

Jigme Yangchen, a 24 year-old nun of Shungseb Nunnery, was arrested on 1 October 1990 and sentenced to 12 years. She is presently in Drapchi Prison.

Namdrol Lhamo, a 29 year-old nun of Chubsang Nunnery, was arrested on 12 May 1992 and sentenced to 12 years. She is presently in Drapchi Prison.

Jigme Dickey is a 20 year-old nun of Shungseb Nunnery. Arrested on 1 October 1990 and sentenced to 11 years, she is presently in Drapchi Prison.

Ngawang Choezom is a 23 year-old nun of Chubsang Nunnery. She was arrested on 21 March 1992 and sentenced to 11 years and is presently in Drapchi Prison.

Ngodrup (also known as Ngodrup Phuntsog and Ngophun), 37 years old from Lhasa, and a former member of the Chinese People's Political Consultative Conference (CPPCC), was arrested in March 1989 and sentenced to 11 years with four years subsequent deprivation of political rights.

Lobsang Palden (lay name: Gyalthar or Gyaltzen Tharchin) aged 34 years from Chamdo Pakshoe County, was sentenced to 10 years in 1991 on charges of "reactionary behavior". He is presently serving his term in Powo Tramo Labour Camp.

Ngawang Sungrab is a 22 year-old monk of Drepung Monastery. He was arrested on 27 September 1991 and sentenced to 10 years and is presently in Drapchi Prison.

Ngawang Tensang, a 26 year-old monk of Drepung Monastery, was arrested on 14 September 1991 and sentenced to 10 years. He is presently in Drapchi Prison.

Ngawang Lochoe is a 24 year-old nun of Nyengoan Nunnery who was arrested on 4 May 1992 and sentenced to 10 years. She is presently in Drapchi Prison.

Tendar Phuntsog, the 64 year-old caretaker-monk from the Potala Palace, was arrested on 8 March 1989 and sentenced to 10 years. He is presently in Drapchi Prison.

Ngawang Choephel, a 31 year old Ghemo Monastery monk in Lithang was arrested on August 20, 1993 and sentenced in 1996 to 10 years. He may be detained in the Lithang Dzong Prison under Karze administration.

Jampel Lobsang (also known as Jampel Losel), aged 29 years from Taktse County, was arrested in March 1989 and sentenced to 10 years with three years subsequent deprivation of political rights.

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## **4. Arbitrary Arrests and Detentions**

### **4.1. International Law**

The right to life, liberty and security of person is a fundamental right entrenched in the Universal Declaration of Human Rights (article 3). The UDHR also states that:

No one shall be subjected to arbitrary arrest, detention or exile. (28) In 1996, Tibetans continued to be arrested, detained and sentenced on an arbitrary basis. Often they have not been informed of the charge against them, they have been denied legal access, they have been detained for unreasonably lengthy periods, their relatives and families have not been informed of their whereabouts and they have not been accorded a fair trial.

The UN Working Group on Arbitrary Detention, a thematic mechanism created in 1993, in determining the range of cases it will consider, has identified the following three categories:

- I. Cases in which the deprivation of freedom is arbitrary, as it manifestly cannot be linked to any legal basis (such as continued detention beyond the execution of the sentence ...); or
- II. Cases of deprivation of freedom when the facts giving rise to the prosecution or conviction concern the exercise of the rights and freedoms protected by certain articles of the UDHR and the ICCPR; or
- III. Cases in which non-observance of all or part of the international provisions relating to the right to a fair trial is such that it confers on the deprivation of freedom, of whatever kind, an arbitrary character. (29) There have been a number of cases reported in 1996 which fall quite clearly into the latter two categories identified by the Working Group.

### **4.2. Arrested for the Exercise of Rights**

The majority of Tibetans arrested and detained in 1996 have been held for the peaceful and non-violent exercise of their fundamental human rights to freedom of opinion and religion. In most instances the authorities of the People's Republic of China labelled this as "counter-revolutionary" activity and subsequently imposed grossly extended prison sentences.

The exercise of freedom of thought, conscience and religion is recognised in article 18 of the UDHR and the ICCPR, and the freedom of opinion and expression is recognised in article 19 of the respective covenants. These articles are both included as protected rights under category II above, and as such, the detention or prosecution for the exercise of such may be considered arbitrary.

Of the 204 arrests that took place in 1996, 166 of these were in reaction to Tibetans expressing their thoughts or religion. Examples range from the burning of photographs of the Chinese-appointed Panchen Lama reincarnation, distribution of independence leaflets, pasting of wall posters, distribution of prayers and disagreeing with PRC "Re-education Work Teams".

Similarly, the Working Group considers article 20 of the UDHR and article 21 of the ICCPR, which recognises freedom of peaceful assembly and association, within category II. Twenty arrests have been reported in 1996 following demonstrations by Tibetans. All have been peaceful and non-violent, most lasting just a few minutes and composed of a small group of individuals. On 6 July 1996, for example, eight nuns of Garu nunnery were arrested for staging a demonstration both calling for independence and celebrating the 61st birthday of the Dalai Lama.

Two of the arrests followed the exercise of the minority rights recognised in article 27 of the ICCPR and also included in the Working Group's second category. Article 27 articulates the rights of ethnic, religious or linguistic minorities "to enjoy their own culture, to profess and practice their own religion, or to use their own language."

In August, Yungdrung, a Tibetan artist was arrested in connection with his portraits of the Dalai Lama and the Tibetan national flag. In the same month Gendun Gyaltzen, a Sakya monk, was arrested for possession of pictures and cassette tapes of the Dalai Lama. These are examples of Tibetans exercising their cultural rights; the right to follow their own leader and to produce and possess images of that leader.

The cases of religious initiates questioning the policies and ideologies of Chinese work teams, in place in many monasteries and nunneries, may also be considered under article 27. The efforts of such work teams to erode the Buddhist religion, so intrinsic to the Tibetan cultural life, must also be considered an attempt to destroy the Tibetan culture. (30)

### **4.3. Arbitrary Detentions**

There are countless Tibetans, arrested prior to 1996, who remain in arbitrary detention. Many indeed are serving extraordinarily heavy sentences and have spent the better part of their lives behind bars for the exercise of their rights, and often their sentences are extended while in prison for their attempts to continue to exercise those rights whilst in prison.

One such example is that of Ngawang Sangdrol, a Garu nun currently serving an 18 year sentence in Drapchi Prison. Ngawang was serving a three year sentence "for incitement to subversive and separatist activities" following her arrest in 1992 for attempting to stage a pro-independence demonstration. In October 1993 Ngawang had her sentence extended by six years for "spreading counter-revolutionary propaganda" after recording pro-independence songs while in prison.

On 30 November 1995, the UN Working Group on Arbitrary Detentions ruled that the continuing detention of Ngawang Sangdrol was arbitrary because she had been punished for exercising her right to freedom of opinion. The Working Group asked the PRC to remedy the situation so as to conform with the provisions and principles incorporated in the UDHR. This appeal by an international body went completely unheeded by the PRC. Not only does Ngawang remain in detention, but her sentence was extended in 1996 by a further nine years,

again for the expression of her freedom of opinion. (31) The most notable case of arbitrary detention which came to light in 1996 was that of Ngawang Choephel. In October 1996 the PRC officially acknowledged the detention of Ngawang, a Tibetan musician and scholar arrested by Chinese authorities in September 1995 while travelling in Tibet. Ngawang was undertaking some preliminary research for the creation of a documentary on the traditional folk music and performing arts of Tibet.

According to the Chinese Embassy in Washington DC, Ngawang was suspected of gathering "sensitive intelligence" and engaging in "illegal separatist activities" with American funding and at the instigation of the Tibetan Government-in-Exile. It appeared that Ngawang was, as a result, suspected of violating article 4, section 2(5) of the PRC's National Security Law.

Despite the official denial by the Tibetan Government-in-Exile of the Chinese accusation, the documentation of Ngawang produced prior to his arrest (a letter and a project submission, both signed originals) which attest to the peaceful purposes of his research trip and the massive appeals of concerned parliamentarians, human rights organisations and individuals, no evidence was offered by the Chinese authorities in support of the accusations against Ngawang.

Ngawang Choephel was held incommunicado for more than 15 months without charge or trial. On 26 December 1996 he was sentenced to a staggering 18 year imprisonment term and four years subsequent deprivation of political rights by the Intermediate People's Court in Shigatse. He was charged with "spying for the Tibetan Government-in-Exile" and accused of travelling to "Lhasa, Lhokha (Chinese: Shannan), Kongpo (Nyingchi) and Shigatse (Xigaze) to carry out his espionage activities, in an attempt to provide the information gathered to the Dalai clique's Government-in-Exile and to an organisation of a certain foreign country". Ngawang Choephel allegedly "confessed" to these charges.

According to a source in Tibet, on 16 October 1996 Ngawang Choephel was transferred to Sangyip Prison and was being held in cell 2, block 3. Since his sentencing his whereabouts are unknown.

Another case is that of Yulo Dawa Tsering, a 58 year-old former abbot at Ganden monastery and teacher of Philosophy at the University of Tibet. Yulo was first arrested in 1987 after talking to two visitors at Ganden about Tibetan independence and was finally released on parole on 4 November 1994, having spent a total of 27 years in prison.

Three weeks later a United Nations Human Rights delegation visited Lhasa to assess China's record on religious freedom and Yulo was allowed to meet with the Special Rapporteur on Religious Intolerance, M. Abdelfattah Amor. Yulo expressed his concern about the version of Tibet's history that is known to the world and said that he had been arrested for political reasons.

In 1996 it was reported that Yulo has been placed under what is effectively house arrest, apparently as a punishment for his comments to UN officials two years ago. (32) Three members of the European Parliament (MEPs) visited Lhasa in early November 1996 and were allowed to meet with Yulo Dawa Tsering for ten minutes. The meeting took place at an unnamed location, amidst high security, with Chinese officials present and photographs forbidden. A Tibetan-English interpreter was not provided. The MEPs reported that Yulo appeared to be under some kind of restraint and was not the master of his own movements.

#### **4.4. Non-observance of the Right to Fair Trial**

A serious lack of justice prevails in the PRC's judicial system, its judiciary, lawyers and criminal procedure and there is a serious lack of observance of all or part of the international provisions relating to the right to a fair trial. As such, even when an individual is accorded a trial, the conviction and subsequent detention is of an arbitrary nature.

The Chinese Communist Party (CCP) exerts a pervasive influence on the judiciary. By law, all members of the judiciary must be members of the CCP and all political cases are adjudicated by a Political and Law Commission which is comprised of members of the judiciary, the Public Security Bureau and the Procuracy (agents of the court responsible for investigating and prosecuting criminal cases).

Judges are not required to have any formal legal training. Most judges have a Public Security Bureau or Army background which does not give credence to judicial impartiality, especially in politically sensitive cases. The judiciary is expected to actively take part in Government campaigns with the result that the degree of punishment received often depends upon whether or not a campaign is in progress.

As with the judiciary, lawyers have been under the pervasive influence of the CCP and the Provisional Regulations on Lawyers 1980 describe lawyers as "servants of the State". (33) Lawyers may not defend their clients against "justified" legal charges with the result that their role is often limited to arguing for a lighter sentence. To do otherwise is to risk punishment. The third area of concern is that of criminal procedure. A number of proposed laws purporting to strengthen the rights of the accused are due to be introduced in January 1997 (34) . However there is widespread concern that the new State Security and State Secrets legislation will similarly provide for arbitrary detention and politically motivated prosecution. How the judiciary actually implements the law remains to be seen. While the Passage of the Decision on Revisions to the Criminal Procedure Law and the Lawyers' Law is theoretically an indication of reform, there is no guarantee that the legislation will be put into practice. Moreover, such reforms will come too late to provide security to the political prisoners currently languishing in Chinese prisons and detention centres and there remain many areas in which progress is still desperately needed.

For example, under Re-education Through Labour, used extensively in Tibet, Tibetans may be deprived of their personal freedom, without any court decision being reached, merely at the discretion of an administrative organ (the Public Security Bureau). Another example is "deprivation of political rights" which ordinarily means deprivation of the right to vote and stand for election, yet has been used by the PRC to restrict the movements of Tibetans after their release from prison, as in the case of Yulo Dawa Tsering detailed above.

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### **5. The Right to be Free From Torture**

#### **5.1. International Law**

Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (35) (hereinafter CAT) to which the People's Republic of China is a State Party defines torture as meaning: "... any act by which severe pain or suffering, whether

physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or the person acting in an official capacity."

Article 11 of CAT specifies that: "Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in the territory under its jurisdiction, with a view to preventing any cases of torture. "

Under Article 4 of CAT the PRC is legally bound to criminalise acts of torture. In 1993 and again in 1996 the UN Committee Against Torture, a team of legal experts, asked China to set up a genuinely independent judiciary and to change its laws to ban all forms of torture. In May 1996 the Committee stated, "there has been a failure to incorporate a definition of torture in China's domestic legal system in terms consistent with the provisions of the Convention." (36) China's Criminal Law only specifically prohibits "torture to coerce a statement" by "state personnel" against "offenders" (article 136). (37) , yet in its report to the Committee, the PRC responded that, in China, "the law deems torture to be a criminal act. There are no circumstances that may ever be invoked to justify its use."

Article 7 of CAT requires States Parties to prosecute those responsible for torture. However, under the Chinese Criminal Procedure Law, the standards for determining whether a case of torture under article 136 should be the subject of criminal investigation consider factors such as the perpetrator's intention and the gravity of the acts. The torturer must have acted for personal revenge or used "very cruel means thus creating a grave impact". The latter would include the torturing of many people or repeated torture, or where the act results in death, disability, insanity, suicide "or other serious consequences". (38) There is a serious lack of any evidence to suggest that perpetrators of torture are indeed being brought to justice and the CAT Committee recommended in May 1996 that China "establish a comprehensive system to review, investigate and effectively deal with complaints of maltreatment, by those in custody of every sort". (39) Article 7 of the ICCPR also concerns torture and cruel or degrading treatment or punishment. In its General Comments to this section, the ICCPR Committee stated that places of detention be free from any equipment liable to be used for inflicting torture or ill-treatment and that prompt and regular access be given to doctors. (40) While the PRC has not signed the ICCPR, this nonetheless represents an important international standard.

## **5.2. Torture Resulting In Death**

In 1996 eight reports of Tibetans dying as a result of police torture and ill-treatment were received. Three of these were deaths in custody.

On 15 April 1995 Sangye Tenphel (layname: Gonpo Dorjee) and four others monks from Khang-mar Monastery in Damshung, 162 kilometres north west of Lhasa, were arrested by Chinese police officials for participating in a demonstration around the Barkhor area. No information was available regarding their personal details and whereabouts until the fourth week of May 1996 when it was reported that 19 year-old Sangye Tenphel had died on 6 May 1996 while in Drapchi Prison. Sangye had been severely beaten with an electric baton and a



cycle pump by two prison officials. His ribs were broken during the course of his interrogation and he was reportedly suffering brain damage before his death.

On 6 May 1996, a monk of Ganden Monastery was shot dead by Chinese troops who opened fire after the monks refused to fall in with the orders regarding the ban on photographs of the Dalai Lama. A bullet entered the lower back of 40 year-old Kelsang Nyendrak who died several days later.

Kalsang Thutop, a 49 year-old monk of Drepung Monastery, died in Drapchi Prison on 5 July 1996. Kalsang could not speak when he returned from a two-hour interrogation session and that night was rushed to the hospital where he died a few hours later. Kalsang was given a sky burial and it was observed by the Topdhen (the person who performs the sky burial) that one of Kalsang Thutop's testicles had been brutally squeezed. Thutop was serving an 18 year sentence for his involvement in the 1989 Lhasa demonstrations.

In July 1996, 66 year-old Dorjee (family name: Khangtsiri) from Tse-Gorhang, 124 km south-west of Chabcha Dzong, Amdo (Chinese: Qinghai), died after he was severely beaten by members of the PAP and the PSB. The authorities who visited the town raided all of the houses and imposed fines on those Tibetans in whose houses photographs of His Holiness the Dalai Lama were found. Dorjee, who was incapable of paying the heavy fine of 6000 yuan (USD \$750), was told to pay by 1997 failing which half of his land would be confiscated. When Dorjee challenged the authorities he was beaten and had to be hospitalised. Twenty days later he died.

On 14 September 1996, Tenchok Tenphel died while in Sakya detention centre just two weeks after his arrest. Sangye, aged 27, was a monk of Sakya monastery, 152 km west of Shigatse. He had been arrested on 1 September 1996 during a ritual dance performance before Chinese officials. Tenchok Tenphel's body was cremated on 17 September before his family could see him and his family was told that he had "committed suicide".

Phurbu, better known as Tarak, was from Lhasa and lived in Galingsha , eastern Lhasa. His father Dorji and mother Tsamchoe carried out small business. Phurbu was an active participant in the March 1989 demonstration. He had joined a group of people marching from Toeling (a small town) to the People's Hospital when, from a distance, Chinese officials opened fire. Phurbu was shot three times as a result of which his left leg had to be amputated. In spite of being hospitalised for a few months, Phurbu did not recover from the effects of the bullet wounds. Even after his discharge from the hospital his health continued to deteriorate and he remained fully bedridden. Phurbu died on 3 September 1996 at the age of thirty four.

Phurtse was born in 1960 and grew up in Lhasa. He worked in Lhasa Bangashoe's United Corporation, then as a road constructor in Powo Tramo and then in a scripture printing press near Sera Monastery. It was while working at the printing press that he participated in the March 1989 demonstration. He was caught and beaten by members of the People's Armed Police (PAP) with an iron rod and he suffered acute head injury. His relatives were informed that he would have to undergo urgent surgery and he was hospitalised for four months before being taken home. While at home one side of his body became partially paralysed and he was admitted to the Tibetan Medical Institute (Tibetan: Mentsikhang) in Lhasa for three months. Then in October 1989 he was discharged from the hospital with a warning that his full recovery was impossible due to the damage already caused. On 7 February 1996 Phurtse passed away.

Dawa Tsering, better known as Khema, was born in Lhasa. He lived in eastern Lhasa , Dickyi Sitrul No.3, with his father Ngawang and his mother Nyima who were engaged in small business. Dawa Tsering actively participated in March 1989 in one of the biggest ever demonstrations to take place in Lhasa. He was arrested on 8 March 1989 by Chinese officials, taken to Sangyip Prison and detained until March 1990. During this one year of imprisonment he was repeatedly subjected to severe torture by members of the PSB and prison officials during interrogation sessions. His condition became so critical that he could hardly stand straight and his back was completely bent over. His condition never improved and on 19 August 1995 he passed away at the age of twenty eight.

### **5.3. Torture and Ill-Treatment of Prisoners**

There were a number of reports of ill-treatment of prisoners of conscience and appalling prison conditions, especially in Lhasa's Drapchi Prison. The effects of torture in prison have been exacerbated by a lack of medical care, inadequate nutrition, and the imposition of hard labour. The use of torture in obtaining confessions in prison is common to all the prisons run by the Chinese Administration in Tibet. Methods of torture include: inflicting shocks with electric batons; beating with iron bars, rifle butts and nail-studded sticks; branding with red-hot shovels; pouring boiling water over prisoners; hanging prisoners upside down or by the thumbs from the ceiling; shackling; kicking with boots; setting ferocious dogs onto prisoners; exposure to extreme temperatures; deprivation of sleep, food and water; prolonged strenuous "exercise"; long periods of solitary confinement; sexual violence; taunts and threats of torture and death.

The following reports of torture and ill treatment of Tibetan political prisoners of conscience were received in 1996:

Ngawang Rinchen (41) (layname - Tashi Delek) is a 32 year-old Drepung monk who left Tibet on 14 October 1996. He was arrested in 1989 for involvement in demonstrations and imprisoned first at Sangyip Prison and then transferred six months later to Drapchi Prison. During his seven years in prison, Ngawang reports that he was tortured several times. This included: beatings (kicking, punching, use of sticks, rifle butts and whips); electric cattle prod shocks; prolonged exposure to extreme cold; blood drawing; verbal abuse including death threats to himself, family and friends; deprivation of sleep, food, water, toilet and bathing facilities and medical care; solitary confinement for six months from 18 July 1989; forced labour and exercise for prolonged periods without rest and forced standing for prolonged periods. Ngawang was released in 1996 and currently suffers severe post-traumatic stress disorder and complains of back pains and headache associated with psychological stress.

Lobsang Dhargye, a 31 year-old monk of Rakyab Monastery was arrested in October-November of 1992. He was accused of having pasted wall posters calling for a free Tibet and distributing pamphlets that contained the Tibetan national flag. While in prison, Lobsang Dhargye confessed, after repeated torture, to all accusations but refused to divulge the names of his accomplices. At the time of his release in 1995 he had finished serving a prison sentence of two and a half years.

Kunchok Tenzin, a 31 year-old primary school teacher of Tibetan language from Yakla sub-county of Sog District, was arrested on 18 February 1995 for his role in pasting wall posters calling for a free Tibet. In April 1996 Kunchok was released from Nagchu Detention Centre after more than a year. His release was prompted by his critical physical condition. While he

was in detention he was repeatedly tortured which caused severe swelling in his body, and today he cannot walk without support.

Jigme Gyatso, aged 34, was arrested in March 1995 by the Chinese authorities and subsequently tortured and severely beaten until he was unconscious. He was released after his parents made a payment of 1000 Yuan (USD \$125). In March 1996 Jigme Gyatso was arrested for the second time and is currently still in detention.

On the night of 12 July 1995, Tashilhunpo Monastery (the seat of the Panchen Lamas) was raided by security forces and forty monks were arrested. Among those arrested was Tulku Jamyang Tenzin, more popularly known as Gyatul Rinpoche. Gyatul Rinpoche was in charge of writing the Xth Panchen Lama's biography. He is reported to have been severely tortured in prison.

Lobsang Sherab, Lobsang Tsultrim and Lobsang Tsering of Drongsar monastery in Pashoe County under Chamdo Prefecture were arrested on 7 August 1995 for their involvement in breaking and pulling down a name plate of the office of "Pashoe People's Government". They were later sentenced to over ten years and as a result of severe beatings and torture while in custody their hands are permanently maimed.

On 2 April 1996 Jamyang Yeshe, a student monk of the "Nga-rig Kye-tselling" school at Kumbum Monastery was released for medical reasons after two weeks of detention. Jamyang Yeshe was among the group of 25 school students who were arrested and detained for pasting independence posters and leaflets in the monastery. Jamyang was reported to be in a coma when he was released earlier than the other student monks and is said to have remained unconscious for some days following his release.

When Chinese troops fired on monks protesting at Ganden Monastery in May 1996, five monks reportedly received bullet wounds, including Gelek Jinpa, a 14 year-old monk who was also severely beaten by police.

In July 1996 tighter controls were imposed on political prisoners in Drapchi Prison. Barring meal hours, all prisoners were required to be in queue at all times. They are often forced to stand in one place or run for hours at a time, regardless of extreme weather. If staff happen to find any act by a prisoner to be out of order, the prisoner is immediately beaten. As a result of one such beating a monk from Damshung (name unknown) had his ribs broken. Other cases include: a monk named Ngawang Sherab from Kyarlung Monastery whose hands were irreparably broken, a monk from Medro Dakhpogong Monastery named Doelo who was crippled; and Phuntsok Thutop and Phuntsok Dadrak, both from Drepung monastery, were also reported to have suffered severe torture sustained under similar circumstances.

On 9 September 1996, five Tibetans from Damshung Dzong under Nagchu administration demonstrated in the Barkhor area of Lhasa. The five demonstrators were 17-year old Pendor, 20-year old Samten, 22-year old Ringu, 25-year old Sogon and 28-year old Tashi Dargye. They condemned China's interference in the Panchen Lama reincarnation issue and raised their voice against this interference in Tibet's religious matters. The five were severely tortured while in police custody. One of the them had to be taken to "Men Zhen Bu" Dhongkher Hospital for treatment.

On 27 October 1996 Yungdrung, a 24 or 25 year old Tibetan artist, was found in a state of severe shock in a public toilet in the Barkhor area of Lhasa. Yungdrung was described as "cowering with terror" when he was discovered, apparently as a result of having been tortured in custody. Yungdrung had been arrested in connection with his portraits of the Dalai Lama and had spent the previous 58 days in Gutsa Detention Centre.

#### **5.4. The Case of Jampel Tsering**

Jampel Tsering (layname - Kalsang) is a 27 year-old monk from Drepung monastery who escaped Tibet in October 1996. (42) He was arrested in 1987 and detained for four months and then arrested again in 1989 for demonstrations and possession of human rights pamphlets. He was imprisoned first at Sangyip Prison and then transferred six months later to Drapchi Prison, and has spent a total of five and a half years behind bars.

Upon his arrival at Drapchi Jampel says, "My clothes and personal belongings, including Buddhist scriptures, were burned. I was subsequently beaten mercilessly, repeatedly punched all over my body, including on my face, and kicked in the back." He suffered similar severe beatings over the next several days and then less severe beatings almost every day thereafter. He was also shocked with a cattle prod on his face and mouth. During these sessions Jampel reports the Chinese guards would say, "You are not allowed to talk about freedom".

In April 1991, a German human rights group came to the prison. Jampel reports that prior to the visit the Chinese authorities transferred several prisoners suffering torture-related problems out of the prison so that they would not be seen. Jampel says he tried to pass a note to the Germans about the problems in the prisons but it was intercepted by the Chinese officials.

When Jampel and other prisoners demanded to know where the other prisoners had been sent, they were told, "You have no right to ask questions" and were then shackled by their hands and feet bending over. Jampel reports, "I was hit all over my body with fists, I was kicked and I was hit with the butt of a gun". Jampel and several other prisoners were subsequently taken to separate cells which were very small and without light. He was kept in the cell for 12 days.

In addition to the physical abuse, Jampel also suffered frequent verbal abuse during his imprisonment. The security guards reportedly told him that "you and your friends are the ones causing trouble in Tibet" and they would frequently make derogatory comments about the Dalai Lama.

Jampel reports frequently witnessing other persons being beaten including an old man who he saw being beaten and stepped on. On one occasion, Jampel and some other prisoners brought a fellow prisoner to the prison doctor saying the man was very sick. The doctor reportedly said that there was nothing wrong with the man and sent him away. Five days later the man died.

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## **6. Disappearances**

The "disappeared" are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed, and whose custody is denied.

In Tibet, the disappearance of political prisoners is a routine occurrence. In numerous cases, Tibetans have been arrested at (or taken from) home without warrant and taken into police custody without the family of the detained person being informed of his or her whereabouts. The disappearance of these people is a source of great concern to their immediate families and those close to them.

### **6.1. International Law**

Disappearance per se is not specifically prohibited by any single human rights norm. Rather, it encompasses a number of other human standards regarding arbitrary arrest and detention, denial of due process and, often, ill-treatment and torture.

Disappearance is not however just a combination of other human rights abuses. It is set apart by the chilling characteristic of completely cutting a person off from the outside world and its protective mechanisms. Not only are the loved ones of the person subjected to the agonising uncertainty of not knowing the whereabouts of the individual, or even whether the person is alive, but the individual is also put through the mental torment of isolation and helplessness. The State, by simply denying any knowledge of the person, can act with impunity.

The Chinese legal system has contributed to the conditions in which disappearances are able to occur in Tibet by allowing for prolonged detention and administrative detention without trial. Despite the conclusion by the United Nations Working Group on Disappearances that "States are under an obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance" (44), the unwillingness of the Chinese authorities to respond in the few cases where disappearances have been exposed has been apparent in 1996. The enforced disappearances of Tibetans inside Tibet violate a number of human rights recognised in international law: their right to life and liberty, the right not to be subjected to arbitrary arrest, the right to humane conditions of detention and the right not to be subjected to torture or to cruel or degrading treatment or punishment.

Rule No. 37 of the United Nations 'Standard Minimum Rules for the Treatment of Prisoners (45)' states: Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

One of the major contributing factors to the occurrence of disappearances in Tibet is the concealment by Chinese authorities of the whereabouts of arrested political prisoners. For months and sometimes even years, a prisoner may be kept in solitary confinement without any contact with the outside world. This deliberate denial of communication and information is a serious impediment in locating the whereabouts of political prisoners.

### **6.2. Cases of Disappearances**

Seven year-old Gendun Choekyi Nyima has been missing since May 1995. On 14 May 1995, the then 6 year old child from Nagchu Dzong (district) in Tibet was proclaimed the reincarnation of the 10th Panchen Lama by the Dalai Lama. By the end of May, Gendun Choekyi Nyima, his father Kunchok Phuntsok and his mother Dechen Choedon were

reported to have been taken to Beijing and put under house arrest. In May 1996, over a year since the disappearance of Gendun Choekyi Nyima and his parents, Wu Jianmin, China's Ambassador to the UN, admitted to the UN Committee on the Rights of the Child that Gendun Choekyi Nyima "has been put under the protection of the government at the request of his parents". The Committee requested that China allow a UN representative to "visit the family and provide reassurance".

So far there has been no public response to the request and the Chinese authorities have still not revealed his whereabouts. Today he remains the world's youngest political prisoner. The disappearance of Gendun Choekyi Nyima is a matter of great concern to the Tibetan people who accept him as the XIth reincarnation of the Panchen Lama, the second highest religious authority in Tibet.

The whereabouts of Kunchok Phuntsok and Dechen Choedon, the parents of Gendun Choekyi Nyima also remain unknown since their disappearance in May 1995.

Chadrel Rinpoche, head of the Chinese appointed Search Committee for the reincarnation of the Panchen Lama has disappeared since 17 May 1995. Chadrel Rinpoche was accused by the Chinese authorities of "passing information to the Dalai Lama regarding the reincarnation search".

More recently, in their official answer to a communication by the UN Working Group on Arbitrary Detention concerning the cases of several persons detained in the People's Republic of China and Tibet, the Chinese Government stated that Chadrel Rinpoche "... after leaving Beijing in mid-May 1995 on his way to Tibet, was suddenly taken ill and had to be hospitalised. Considering the fragile state of his health, the Managing Committee of the Tashilhunpo Monastery thought it best to relieve him of his functions as Administrator. He is at present under medical care".

It has now been over a year since his disappearance but China has so far failed to reveal the whereabouts of Chadrel Rinpoche. With the exception of some ambiguous reports of his being detained in Chengdu, China, there are still no clear indications as to his whereabouts.

Dhamchoe Gyatso (27), Jigme Tendar (29), Dhamchoe Kalden (31) and Phuntsog (25) of "Nga-rig Kye-tsel-Ling" school (English translation: Flourishing Garden of Five Knowledges) at Kumbum Monastery in Amdo have been accused of publishing a literary magazine which has now been labelled as "counter-revolutionary" and banned. The monks have disappeared since their arrest in mid-March 1996 and almost 10 months after their arrest the whereabouts of the monks remain unknown. They had been arrested along with 21 other student monks of the monastery who were later released in early May 1996.

Jangchub Gyaltzen (31), a tailor at Sera Monastery was arrested in April-May 1995; Lungtok (21), a monk of Rongbo Monastery in Amdo was arrested in July 1995; Lobsang Namgyal, a former monk of Nechung Monastery, was arrested in February 1995 and Ngawang Thonglam, a former monk of Ganden Monastery, was arrested in February 1995. All arrests were for political reasons and the whereabouts of these political prisoners remain unknown.

In October 1996, over 15 months after Ngawang Choephel was taken into detention, the Chinese authorities finally admitted that he was being held. Today he is serving an 18 year prison sentence (46) .

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## **7. The Right to be Free from Racial Discrimination**

### **7.1. International Law**

"Racial Discrimination" is defined in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (47) (hereinafter CERD) as meaning:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Reports in 1996 reveal that the PRC authorities continue to directly discriminate against Tibetans in various spheres of life including public representation, education, employment and housing for reason of their race. The rights of Tibetans as a minority group have also been denied. These rights are recognised in article 27 of the ICCPR which states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

In August 1996, the UN Committee on the Elimination of Racial Discrimination denounced attacks by Chinese on the rights of ethnic minorities including Buddhists in Tibet. The committee singled out the destruction of Buddhist temples and the advantages granted by Beijing to the Chinese majority aimed at persuading them to move to the "TAR" in a bid to alter the demographic make-up of the area. Discrimination by Chinese authorities towards minorities in the workplace, secondary and higher education and the lack of teaching of their own culture and history was also denounced.

### **7.2. Discrimination in Public Representation**

Article 5(c) of CERD guarantees racial equality in the enjoyment of political rights including the right to take part in the government as well as in conducting of public affairs at any level.

On 22 May 1996, Chadrel Rinpoche, former abbot of Tashilhunpo monastery and leader of the search committee for the reincarnation of the Panchen Lama, was stripped of his membership of the "TAR" CPPCC (Chinese People's Political Consultative Committee) and removed from his post as Vice-Chairman because he "went against the fundamental stand of the nation and lost his political direction". (48) Dhondup Dorje, now 49 years old, was appointed Head of Lhasa Weather Department in 1989 and in 1991 was promoted to Chief of the Department in Nagchu District. He was also a CCP member. As a result of his active campaigning for basic human rights for Tibetan people, Dhondup Dorje was arrested on 14 May 1992 in Lhasa by officials of Lhasa Intelligence Bureau. He was released in January 1995 and on 18 May 1995 returned to the Weather Department where he was told that he would only be employed as temporary staff. His new job was garden maintenance for which he was paid 300 yuan in contrast to his previous 1700 yuan payment. In the beginning of 1996 Chinese authorities ordered the Weather Department to remove Dorje. He has also been

stripped of party membership and all other rights and benefits. His daughter has been denied admission into university because she comes from a family of "political activists".

The position of Tibetan bodies, as well as individuals, are being targeted in the latest Chinese campaign against Tibetan culture. In Spring 1996 the Leading Committee of Tibetan Language in "TAR" was downgraded from regional to county level. Several of the older academics on the committee have since retired, amounting to the marginalisation of senior Tibetans involved in education. (49)

### **7.3. Discrimination in Education (50)**

In early October 1996 the PRC announced that at least four out of five school age children in Tibet would be receiving three, six or nine years of compulsory education by the end of the century. The number of years will be adjusted based on the conditions and education levels of students in pastoral areas, farming sites, towns and cities.

Under a set of regulations passed by the regional People's Congress, the legislative body in the Tibetan capital of Lhasa, each county of Tibet is to have at least one middle school, and each township must have a complete primary school. However, under the present educational system in Tibet, this move effectively benefits only the thousands of Chinese who have poured into the Himalayan region.

The Lobchungs (primary schools) in Tibet are of two types: Mangtsug and Shungtsug schools. Right from the Lobchung level there are separate classrooms for Tibetan and Chinese students at the same class level. It is commonly alleged that the Chinese classes are given much better facilities and teachers.

The Mangtsug are the village level schools which have no financial support of any kind from the Chinese government. Classes are held sporadically and there are few properly qualified or permanent teachers. It is very rare for a Mangtsug student to complete the six years or to go on to Middle School.

Shungtsug are Chinese government established schools found only in the cities and county headquarters towns. These schools enjoy comparatively much better facilities and give primary level education to the children of the predominantly Chinese urban population.

The Lobdrings (Middle School) are similarly found only in county-headquarters towns and cities. Lobdring students come only from the Shungtsug which means that the Mangtsug graduates have generally no further educational opportunities. Thus, while the majority of Lobchung students are Tibetans, at the Lower Middle School there is a disproportionate increase in the number of Chinese students.

At the Higher Middle School there is again a sharp increase in the number of Chinese students and classes. In addition to the high drop-out rate of Tibetans, the most significant factor in this imbalance is the large number of Chinese students who, having failed to secure seats in Higher Middle Schools in China, manage to secure registration in Tibet. The fact that students who complete their school education in Tibet are required to score ten percent less marks than others in the University entrance examination further attracts a large number of Chinese students to Tibet.



Those Tibetan children who score very well in their final Lobchung examination in Tibet are taken to China for their Lower Middle School study. Upon graduation they are not given seats to go to a Higher Middle School but must opt for a vocational training school.

The Tibet Information Network reports the following recent actions taken by the authorities of the PRC to discriminate against the use of Tibetan language in educational institutions within Tibet. (51) In December 1996, authorities announced that the History of Tibet course at the University of Tibet is to be taught in Chinese rather than Tibetan. The decision ignores the fact that many of the teachers and students are Tibetan and that the course is taught by the University's Tibetan Language Department. So too it ignores one of the reasons listed for the founding of the University - the maintenance and development of Tibetan culture and language.

A long-standing requirement that all students pass an entrance examination in Tibetan is also said to have been dropped this year and all except one of the 17 university courses are now believed to be taught mainly in Chinese. Rural students who are not fluent in Chinese are particularly at risk of discrimination as a result of these decisions.

Local authorities have also closed an experimental project initiated by the late Panchen Lama in three secondary schools in the "TAR" whereby Tibetan children were being taught in Tibetan. All other Tibetan children in secondary schools study in Chinese with the exception of some 40 special schools in Qinghai province which includes Tibet's Amdo province. In 1995 the first graduates of the pilot project achieved far better results (79.8% pass rate) than other Tibetan secondary school students (39%) who were required to study in Chinese. Tibetan students studying in Chinese have, moreover, scored well below the national average.

The official reason given for the closure of the project was a lack of funds and qualified teachers, yet some 500 teachers have been trained to teach in Tibetan since 1993. Chinese authorities are now setting up a new project to have all primary school education in both Tibetan and Chinese medium while almost all Tibetan primary schools currently teach in Tibetan.

Other actions reported include the downgrading of the committee responsible for policies implementing the use of Tibetan language from regional to county level and the subsequent retirement of many of its Tibetan members. The Head of the University of Tibet reportedly does not speak Tibetan and the head of the Education Commission and Vice-President of the University is also Chinese.

While Tibetan was declared the official language of the "TAR" in July 1988, it is now felt by Tibetans that fluent Chinese is imperative for employment opportunities.

Testimonials from Tibetan refugees reveal economic and linguistic discriminatory practices in schools. One example is Bayan County Nationality School in Amdo (Chinese: Qinghai), a day-cum-boarding school primarily for ethnic minorities. (52) Of the 850 students, 250 are Tibetans while the rest are Chinese. Most of the boarders in the school are Tibetan and all Tibetans in the boarding school must pay 90 kg of barley, 50 kg of potatoes, two and a half litres of oil and a quantity of charcoal to the school authorities in addition to expenses for stationary. This is in-keeping with other reports of China collecting taxes from Tibetan children in Tibet despite claims that it is providing adequate and free school education to such students. (53) Although Tibetans make up over one quarter of the student population of

Bayan School, there are only five Tibetans of the 80 staff members. All decisions regarding the functioning of the school are reportedly made by the Chinese and since 1985 Tibetan language has been excluded from the curriculum. The subjects taught in the school are: Chinese Language, Mathematics, Political Science (covering Marxist and Chinese ideology, the Chinese constitution, and Chinese administration), Science, Geography and History, Environment and English.

Teachers and the school authorities are reportedly condescending to Tibetans who are referred to as "pagmi" (Chinese: phiya), a derogatory term for those who wear animal skins; "chedak", meaning one who licks utensils; and "allo", the Chinese term for "foolish". Tibetan students are reportedly frequently expelled following disputes between Chinese and Tibetan students, and may be harassed and beaten by Chinese after leaving the school. Such events result in the exodus of a large number of Tibetan students. Since 1992, it is reported that approximately 30 Tibetan students have left the school each year.

#### **7.4. Discrimination in Language**

In addition to the discrimination of the use of Tibetan educational institutions outlined above, other measures include the reduction in hours of the Tibetan language broadcasting service (54). On 9 July 1996 it was reported that China has been jamming an exiled Tibetan radio station, the Voice of Tibet, through the relay of a China Radio International service at the same time as the Voice of Tibet transmission. (55) The 'Regulations on the Study, Use and Development of the Tibetan Language' announced by the "TAR" government in March 1989 promoted the use of Tibetan in government meetings and communications, schools and judicial proceedings, and stipulated that proficiency in Tibetan should be one of the qualifications for recruitment and promotion in government positions. Despite this, Chinese remains the dominant language in such fora. For example, Chinese is still generally the medium of instruction for all subjects when students attend middle school at the age of 12. (56) Tibetan language is intrinsically linked to Tibetan Buddhism and it has been suggested that people who know the language are most likely to be involved in 'splittist' activity. The targeting of Tibetan language by PRC authorities is thus a political measure to assist in the stamping out of Tibetan nationalism.

#### **7.5. Discrimination in Reproductive Rights**

The PRC's birth control policy in Tibet continues to enforce strict control over the timing and number of children and appears strategically aimed at reducing the Tibetan minority population. A new birth control campaign to reduce the size of families was launched in Tibet in 1996 with the aim of reducing the region's natural population growth to 1.6 percent by the year 2000 (57). Tibet already has a religious tradition of what is described as a "self-imposed" population control with between five to ten percent of the population being monks or nuns. This means that the cultural survival of Tibetans, already a minority in their country, is disproportionately vulnerable to the Chinese birth policies.

Officially, the "one family, one child" policy covers only "nationalities" in China with more than ten million people. Tibet, with a population of six million should therefore be exempt from this policy. However in 1982 the Beijing authorities issued a national directive on birth control which said: "Although the policy towards the national minorities may be appropriately relaxed according to the actual situations, family planning must be encouraged among the national minorities." (58) The Central Committee and the State Council

responsible for propagating family planning and control of population growth stated that "family planning should be practised among minority nationalities to raise the economic and cultural levels of minority areas and to improve national quality." In October 1994 China introduced a national law entitled The Maternal and Infant Health Care Law, to be implemented in China in 1995, in which the government reserves the right to control marriages and births according to their perception of the health of the parents and infant. This legislation effectively gives the State the autonomy to determine who is a "healthy" and "able" parent based on political considerations. (59) The Minister of Public Health, Chen Minzhang, who introduced the draft legislation, singled out "births of inferior qualities" among the old revolutionary base, ethnic minorities, the frontier and economically poor areas" as constituting a major burden on the state, implying that they were the focus of attention. (60) Lhundup Ganden, a Sera monk who recently escaped to India, visited the township of Nyagra under Lhasa City Municipal Bureau in June 1996 and documented the official and systematic enforcement of the Chinese birth control policy. This is described in detail in this report under the section entitled ["The Rights of Women"](#).

## **7.6. Discrimination in Employment**

According to article 5(e)(i) of CERD, States Parties undertake to guarantee the right of everyone, without racial discrimination, to equal enjoyment of:

The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration (61) The Third National Forum on Work in Tibet of 1994 fully endorsed the policy of high-speed economic growth in the "TAR". This economisation of Tibet has led to an influx of Chinese entrepreneurs and migrant workers, and increased inflation and unemployment for the Tibetan population.

The use of Tibetan labour to fulfill the main economic priorities set by the Third Forum (such as irrigation, mining and construction of bridges and roads) has continued in 1996. In December 1996 it was reported that Chinese authorities in Tibet have adopted a new regulation aimed at attracting foreign investment while forcing local Tibetans to construct a road network. (62) While Tibetans in the past may have seen this labour as a contribution to the community, as Chinese migration has risen the benefits received by the Tibetans has fallen. Tibetans are generally unpaid whereas Chinese labourers receive a regular wage.

Farmers also face particular difficulties under the Chinese occupation. An unnamed Tibetan refugee, a farmer from Eastern Tibet, said; "A good harvest brings a farmer about 10,000 gyamas [1 gyama is approximately equal to a half kilogram]. The farmers are required to pay a tax of about 500 gyamas to the Chinese authorities. The farmers must also sell 300 gyamas of wheat grains to the authorities at a very low price. This taxation is fixed whether the harvest is good or bad. Even if the crops are destroyed by snow storms as in 1995, the farmers are still bound to pay their tax even if they have to sell every thing they own."

In Tashi Dzom, a town in Dhingri County, the Chinese authorities come to buy barley from the local Tibetans once a year. The Chinese pay the Tibetan farmers only 7 motse and 5 ping for one gyama of barley whereas the standard price amongst Tibetans is one yuan and four motse. Similarly, the Chinese pay 40 to 50 yuan for a sheep while the price among Tibetans is between 130 to 150. In addition, each farmer is charged an annual tax of 5 yuan and 5 mose, and since 1996 an annual tax of five ping is collected from every Tibetan individual.

(63) Health workers in Tibet have also faced discrimination. Sources in Tibet reported that during late 1995 and early 1996 the Health Department of "TAR" conducted an inspection of all the private hospitals and clinics in and around Lhasa. The inspection team confiscated the practising licence of Lodoe Choedak, former Director of Lhasa's Zhigong (Chinese Hospital). After his retirement, 50 year-old Lodoe Choedak had opened a private clinic. Along with Lodoe, the practising licences of nine of his colleagues, all Tibetans, were confiscated. The inspection team claimed that Lodoe's clinic did not fulfill certain criteria and thus forced the closure of the clinic.

Some of Lodoe's colleagues who had good connections with the Chinese officials and some Chinese doctors, despite being recent graduates and lacking experience, were allowed to retain their licences. When Lodoe's Tibetan patients appealed to the Health Department to re-issue practising licences to the doctors, the department confiscated more licences from other new doctors.

It is reported that there were 150 private hospitals and clinics in and around Lhasa before the inspection. Of these, only 119 hospitals and clinics which had good relations with the Chinese officials were allowed to retain their licences.

The story was confirmed by a recent new arrival from Tibet who disclosed that the closure of these private hospitals was a deliberate policy initiated by the Health Department in order to curb the success of these hospitals which are more popular with patients.

## **7.7. Discrimination in Housing**

Article 5(e)(iii) of CERD prohibits race discrimination with regard to equal enjoyment of every individual's right to housing. (64) Throughout Tibet, Chinese settlers have tended to be allocated with more spacious housing better equipped with amenities such as running water, electricity and sanitary facilities (65) . Much of the PRC's state housing investments are devoted to state-owned work units and there is little funding available for construction of Tibetan style housing or renovation of traditional Tibetan houses. As many Tibetans do not work in Chinese Government work units they are further precluded from benefitting from new housing investment. (66) Moreover, traditional Tibetan housing, adapted to life in high altitude and Buddhist beliefs, are being demolished to make way for concrete buildings and barracks-like appartments, alien to local life and culture. In Lhasa, for example, it is estimated that only two percent of structures now are genuinely Tibetan (67) as multi-storied buildings are quickly constructed to house Chinese immigrants.

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## **8. The Rights of Women**

### **8.1. International Law**

The PRC ratified the Convention on the Elimination of All Forms of Discrimination against Women (68) (CEDAW) on 4 November 1996 and, as such, are bound by its provisions. Article 1 defines "discrimination against women" as meaning: ... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women ... on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social,

cultural, civil or any other field. In its general recommendation (69), the CEDAW Committee states that the article 1 definition includes gender-based violence directed against a woman or that affects a woman disproportionately. The Committee says this includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. (70) All of these acts have been perpetrated against Tibetan women in 1996.

## **8.2. Arrests**

Like their male counterparts, Tibetan women continue to be arrested and imprisoned for participating in peaceful demonstrations, distributing independence posters and leaflets, displaying the national flag or for displaying disagreement with Chinese rule and ideologies.

Of the 204 arrests recorded this year, 21 were women. In testimony to the particular courage and activism of nuns in Tibet, they made up 22 of the arrests. All of the nuns were arrested for their participation in demonstrations. (71) As of December 1996, there are 278 known female political prisoners in the various Chinese prisons in Tibet. Ngawang Sangdrol, a Garu nun is currently serving an 18 year sentence, the longest known sentence of any female political prisoner in Tibet. First arrested in 1992 for pro-independence demonstration, Ngawang had her three year sentence extended in October 1993 by six years after recording pro-independence songs while in prison. In March 1996 Ngawang was amongst a number of female prisoners who refused to tidy her cell, apparently as a protest against the Panchen Lama re-education campaign being conducted in the prison. It was also reported that Ngawang did not stand up on one occasion when a Chinese official entered the room and, when sent to stand in the rain as punishment for not cleaning her room, she called out "free Tibet". Ngawang was reportedly sentenced on 31 July 1996 to a further nine years imprisonment. (72)

## **8.3. Torture and Ill-treatment**

Tibetan women are particularly vulnerable to torture and ill-treatment while in detention. Reports of female prisoners being beaten, deprived of food, placed in solitary confinement for extended periods and being sexually abused have again been received in 1996.

Ngawang Sangdrol, referred to above, has reportedly been singled out for severe punishment since March of this year when she defied Chinese prison officials. Ngawang reportedly refused to stand when a prison official entered her cell, apparently as a protest against the campaign being carried out in the prison against the Panchen Lama reincarnation recognised by the Dalai Lama, and later, when she and some other nuns had been sent to stand in the rain as punishment, she called "Free Tibet". Already serving a three year and a six year sentence for pro-independence activities, Ngawang had her sentence extended by a further nine years.

A former Drapchi prisoner testified that Ngawang's health condition has deteriorated due to severe torture and her right leg has been seriously injured. In the months preceding her trial and sentence extension in July 1996, Ngawang was fed only one plain dumpling or bun per day and was manifesting signs of severe malnourishment. Ngawang's fellow inmate described her as white and emaciated when she last saw her in July 1996, and reports in August said that Ngawang was being held in a dark, windowless cell and receiving small amounts of food only twice daily.

Tenzin Yangzom, a nun from Chubu Nunnery in Lhoka, was 20 when she was arrested in June 1994 for hanging an independence poster and a Tibetan flag on a government building. Six police officers came to Yangzom's home, handcuffed her and drove her to the Tsethang Detention Centre, beating her on the head with sticks along the way.

Tenzin was confined for five months to a cell with only a bed and a bucket and without toilet or sink. Once each week two Chinese and one Tibetan interpreter came to her cell. The Chinese beat her and repeatedly shocked her with electric cattle prods on her stomach, breasts, back, face and arms. They punched her, kicked her and trampled on her, smashing her head, stomach, back and legs. Every day a Chinese police officer walked into her cell with an electric cattle prod, glared at her for five minutes and then left. This was an unspoken threat to her. (73) Lobsang Choedon (74), a 16 year old nun, was arrested in 1992. When she was interviewed in 1996 she reported that detained nuns were subjected to numerous beatings; were forced to stand in the same spot from morning to sunset without food and water while exposed to the sun; were shocked by electric cattle prods to the face, neck, mouth and arms; and were grabbed by the hair which, as another insult to their religion, they were forbidden to shave. They were frequently denied food and toilet facilities and locked together into one filthy toilet for hours at a time.

#### **8.4. Sexual Assault**

The sexual assault of female Tibetan prisoners is not typical of the experience of male prisoners. The number of cases of this form of gender-based violence is, however, impossible to quantify as the majority of female prisoners are nuns and sexual violation has an additional significance particular to them. Rape, or the admission of rape, means that a nun, who takes a vow of celibacy, must renounce her religious vocation. Sexual violence is thus used in prisons not just to intimidate and humiliate, but also to take away a nun's sense of identity.

Five nuns from Shungseb Nunnery were arrested in May 1988 for demonstrating in Lhasa's Barkhor area. Reports of the torture inflicted upon them while in Gutsa Detention Centre were received only in 1996 after they were interviewed in India. (75) Electric cattle prods were repeatedly rammed in their rectums and nightsticks were thrust into their vaginas. Two of the nuns, Ugyen Dolma, aged 18 at the time, and Kelsang Pelmo, aged 22, reported that police also rammed electric cattle prods in their vaginas, rectums and mouths. The nuns were beaten by police officers and bitten by savage dogs.

Kelsang Pelmo described the night she was taken to a room where 30 prisoners, mostly men, were able to peer through the window as she was ordered by three policewomen to remove her clothes. Kelsang had never taken off her clothes in view of any man and said she felt deep shame and embarrassment. She was ordered to lie on her stomach and two officers beat her with knotted sticks. Then a policewoman repeatedly rammed a stick into Kelsang's vagina. As Kelsang rolled and crawled in pain on the floor the policewoman thrust the stick into her mouth and inserted an electric cattle prod into her vagina and rectum.

Tenzin Choeden, another of the five nuns, was 22 when she was arrested. As Kelsang Pelmo was carried, apparently unconscious from the cell, Tenzin was led in. She too was ordered to strip and lie on her stomach. She was shocked all over her body and inside the rectum by the electric cattle prod and the stick was put into her vagina. As with Kelsang, Tenzin's torment and humiliation was witnessed by cheering and laughing prisoners (mostly detained for petty crime) at the window.

Another nun from the group, Thupten Yonten, aged 20, was also sexually assaulted that day by police using electric cattle prods and sticks.

A report received in 1996 from a male prisoner, Ngawang Dorjee, imprisoned from 1992 to 1995, described the torture suffered at the hands of PSB officers; "they were playing with us like we were footballs, kicking us back and forth ... They hit the nuns a lot, especially on their breasts." (76)

## **8.5. Birth Control**

Article 16 of CEDAW requires that: States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women :

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights

In relation to this article the CEDAW Committee has stated that: "Compulsory sterilization or abortion adversely affects women's physical and mental health, and infringes the right of women to decide on the number and spacing of their children." (77) The Committee includes in its specific recommendations that; "States Parties should ensure that measures are taken to prevent coercion in regard to fertility and reproduction ...". Lhundup Ganden, a Sera monk who recently escaped to India, visited the township of Nyagra under Lhasa City Municipal Bureau in June 1996. Except for one semi-nomadic unit, the rest of the units are inhabited by peasants. The following is a report of the sterilisation policy he witnessed there.

Lhundup explained that birth control policy is carried out in the whole of Tibet through propaganda, coercion and strict regulatory measures. It is being officially enforced with the main objective of eradicating the very identity of the Tibetans and is being carried out in a very systematic and organised manner. Population transfer is also being carried out on a massive scale.

The 2nd unit of Nyagra township comprises of 60 families (totalling about 600 people). This unit was informed in advance about the birth control policy and the actual programme began in 1994.

Of the total population of the 2nd unit, the percentage of child birth allowed by the authorities in one year was fixed at 4.5%. It was mandatory for couples who wished to have a child to test their luck in a lottery system. If the couple is unlucky and their names are not drawn, then the mother, even if she is five or six months pregnant, must undergo an abortion. (78) If a couple produces a child without undergoing the lottery system, they are fined up to 500 yuan and the baby will be deprived of a registration card and other welfare facilities. When this 'unofficial' child grows up, he or she is denied any educational opportunities.

If a couple is successful in one lottery, they are barred from the lot system for the three subsequent years. If a couple is successful in two lottery draws, they are forbidden from participating in the lottery for the rest of their lives. On the other side, if a couple does not produce a child for a long period of time, then that couple is highly commended by the Chinese authorities and even awarded prizes.

This use of economic sanctions and rewards to enforce the birth control policy is clearly stated in birth control policy regulations such as Chapter Four: "Rewards and Good Treatment" and Chapter Five: "Limitations and Punishments" of the 'TAR' 1992 regulations. Thus Tibetan women have not only been deprived of control over their own bodies and the size of their families but must also suffer severe economic penalties for "illegal" births.

Nyagra's 3rd unit has 400 people and the child birth percentage was fixed at 3.5%. The same system of lotteries and forced abortions is followed here.

In 1995, of the 4.5% child birth allowed in the 2nd unit, the 0.5% was "loaned" to the 3rd unit which was therefore allowed 4% child birth in that year. In 1996, only 3% child birth was allowed in the 3rd unit and the remaining 0.5% was added to the 2nd unit's 4.5% raising it to 5%. However, as the 2nd unit in fact recorded a 9% birth rate in 1996, that 4% over the official endorsement, was fined.

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## **9. The Rights of the Child**

Amnesty International in its May 1995 report on human rights violations in Tibet recorded 45 Tibetan juvenile political detainees in December 1994. In 1996 a number of Tibetan political prisoners under the age of 18 languished in various Chinese prisons in Tibet. Over 280 student monks under the age of 16 were expelled from their monasteries. Gelek Jinpa, aged 14 and Dorje, aged 17 both from Ganden Monastery were each shot in the leg by Chinese troops in May 1996. The safety and whereabouts of the 7 year-old Gendhun Choekyi Nyima, who has been kept under house arrest by Chinese authorities since late May 1995 remain unknown.

### **9.1. International Law**

The rights of Tibetan children are being persistently violated by the Chinese authorities in total disregard of the UN Convention on the Rights of the Child (hereinafter CRC) to which the People's Republic of China is a State Party. Article 37 (b) of the Convention states:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate time.

However Tibetan children have been arrested for exercising their freedom of expression and participating in peaceful demonstrations. They have been locked up in adult prisons for months without trial and treated as per adult prisoners, in contravention of Article 37 (c) of the CRC which states:

Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.



## **9.2. Juvenile Prisoners of Conscience (79)**

In May 1995 China added yet another child to their list of juvenile prisoners of conscience - Gedhun Choekyi Nyima who turned seven on April 25, 1996. He is probably the world's youngest political prisoner. On 28 May 1996 China's Ambassador to the UN in Geneva, Wu Jianmin, in response to a formal question put by the UN Committee for the Rights of the Child said, "He has been put under the protection of the government at the request of his parents". However there has been no response from China to a request by the Committee to visit the family and provide reassurance. In spite of China's admission that Gendhun Chokyi Nyima is in their custody, it has been over a year and a half since the child's disappearance and his whereabouts remain unknown.

Gelek Jinpa (layname-Tenzin Dawa), 14 years, Gyatso Rinchen (Lobsang Choegyal), 14 years, Phuntsok Rabjor (Tsering Thubten), 15 years and Dorje, 17 years, were arrested between May 6 to 10, 1996 during a protest by Ganden Monastery monks against the Chinese "Work Team" in residence in Ganden Monastery. Two of the child monks, Gelek Jinpa and Dorje, were shot in the leg by the Chinese police and were reportedly beaten before being taken to prison.

## **9.3. Detention without Trial**

Article 37 (d) of the CRC states:

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

In contravention of this article, Tibetan children detained in prisons have been denied their rights to challenge the legality of their detention before an appropriate independent and impartial authority. Under the Chinese legal system, the presumption of innocence until proven guilty is not applied. In the majority of cases reported, children detained without trial are simply issued with an administrative detention order and usually sent to labour camps to serve their term.

Gyaltzen Pelsang, a 16 year-old nun from Garu Nunnery, was 13 at the time of her arrest for her participation in a peaceful demonstration. She spent one year and eight months from April 25, 1993 to December 19, 1994, in Gutsa Detention Centre without trial.

Lobsang Gyatso, a 17 year-old monk from Chamdo Monastery was arrested in February 1995 and has been detained since then without any formal trial. He is reportedly still detained in Silthang Prison.

25 students of the "Nga-rig Kye-tsel-Ling" school (Flourishing Garden of Five Knowledges) in Kumbum, Amdo region of Tibet, were arrested and detained for six weeks between mid March to May 1996.

Juveniles released from prison are black-listed and put under strict surveillance. After their release from prison, these children are refused re-admission into their schools. Tibetan

children are thereby being denied opportunities which have a profound effect on their adult lives.

#### **9.4. Torture and Ill-Treatment of Juvenile Detainees**

Despite having ratified the Convention against Torture (CAT), China continues to torture prisoners of conscience in Tibet and Tibetan juvenile prisoners are not exempted from this ill-treatment in prisons. Young prisoners and adults alike are subjected to beatings, electric shocks, solitary confinement and deprivation of sleep, food or drink as punishment.

Gelek Jinpa, a 14 year-old monk of Ganden Monastery, was beaten six times by police during his interrogation, following the crackdown on Ganden Monastery in May 1996. This incident of police brutality against a minor occurred even before he was taken to prison. Gelek Jinpa was detained in Gutsa Prison for nearly 4 months without trial after which he was expelled from his monastery.

Gyaltzen Pelsang who escaped into exile and arrived in India on December 18, 1996, walks with a prominent limp. She is living proof of Chinese atrocities against juvenile prisoners. While in Gutsa Detention Centre, Gyaltzen Pelsang, then 13 years old, was made to stand for hours on a cold floor. This, in combination with the beatings she endured during her interrogation, has caused a permanent limp in the right leg of this 16 year-old nun.

At the time of her arrest, Sherab Ngawang was only 12 years old. Sherab Ngawang was a novice nun of Michungri Nunnery, on the outskirts of Lhasa, when she participated in a demonstration in 1992 with four other nuns. In spite of her age, she was sentenced to three years of administrative detention as a prisoner of conscience. She was repeatedly tortured and ill-treated whilst in detention at Trisam Re-education Through Labour Camp. Sherab Ngawang was released in February 1995 after completing her term of detention, but died three months later in a police hospital in Lhasa.

Sonam Tsering, a 13 year-old boy from Chamdo, reached Kathmandu in August 1996. He had been detained for four months at the age of 11 for taking part in a pro-independence demonstration in 1994. He was forced to confess that he had stolen something. He was subsequently beaten for two days and put in handcuffs for a week. During his detention he was made to clean toilets and collect garbage.

#### **9.5. Closure of Schools and Expulsion of Students**

The CRC requires State Parties to recognise the right of the child to education.

Under Article 29 (c) of the CRC, State Parties agreed that the education of the child shall be directed to:

The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate and for civilisations different from his or her own.

However, schooling in Tibet is being dominated by ideological indoctrination. In September 1994, the Chinese Communist Party (CCP) launched a three year "patriotic education"

campaign to "quash youthful visions of an independent Tibet or the return of the Dalai Lama".

On 6 May 1996, the "Qinghai Provincial Government" closed down a 200 pupil school at Kumbum in Amdo region of Tibet after leaflets and posters calling for Tibet's independence appeared at the school.

On 16 May, 1996, students of the Lhasa Middle School were summoned to a meeting where they were told that it was thereafter forbidden to possess photographs of the Dalai Lama's or to wear "sung-du", the red cord worn by all Tibetan Buddhists around the wrist or neck as protection. In November 1996 the CCP called on schools in Tibet to participate more actively in the resurrection of socialist values and to "strengthen the embodiment of the historical links between Tibet and the motherland China" through school textbooks and other publications".

Waves of expulsions have taken place throughout Tibet in 1996 as part of the Chinese "Strike Hard" campaign. Of the 1295 monks known to have been expelled, at least half of them are below the age of 16. Initially Chinese authorities made a policy to expel all monks below the age of 18. However, in reaction to strong protests from the monks, they have reduced the age limit to 16 and parents were ordered to withdraw their children. With the expulsion of these child monks, a large number of the younger monks have been forced to give up their education for political reasons.

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## **10. Population Transfer**

Population transfer is defined as the movement of people as a consequence of political and/or economic processes in which the State government or State authorized agencies participate. In Tibet today there are over 7.5 million non-Tibetan settlers including Chinese and Hui Muslims while Tibetans inside Tibet comprise only six million. The increasing Chinese population transfer into Tibet has reduced the Tibetan people to a minority group in their own land. The marginalisation of the Tibetan people has resulted in exertion of Chinese control in all spheres of economic, social and political life.

### **10.1. International Law**

Article 49 of the Fourth Geneva Convention of 1949 to which China is a signatory, states:

The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies

Article 85, paragraph 4 of the Additional Protocol 182 states: ... the following shall be regarded as grave breaches of this protocol, when committed willfully and in violation of the Convention or Protocol: (a) the transfer by the occupying power of its own civilian population into the territory it occupies... in violation of Article 49 of the Fourth Convention

Ever since the 1949 invasion of Tibet, China has been illegally occupying Tibet and using this occupation to transfer its population into Tibet including the areas of Kham and Amdo

which have now been incorporated in Chinese provinces of Gansu, Sichuan, Yunnan and Qinghai.

The U.S. State Department's 1995 Country Report on Human Rights Practices acknowledged that there has been a massive influx of Chinese into Tibet: "In recent years, freer movement of people throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas".

## **10.2. Population Transfer: A State Endorsed Policy**

In recent years, there has been a return to the practice of transferring large numbers of Chinese staff to Tibet. In April 1992 around 130 "cadres and professionals" were sent to remote border counties of the "TAR" on ten-year contracts. In December 1994, it was announced that "about 100 graduates of excellent academic performance and good conduct would be assigned work in Tibet". Signs that such involuntary resettlement is currently being stepped up were confirmed when Xinhua reported in February 1995 that 1000 "officials and technicians" were to be sent to the TAR "to help boost the economy". During the Third Work Forum on Tibet held in Beijing in July 1994, the Chinese authorities publicly admitted a policy of population transfer for the first time. It was officially stated that former soldiers, paramilitary troops, cadres, technicians and entrepreneurs were to be encouraged to move to Tibet through incentives provided by the central government. It had been previously stated in a leaked report of a top secret meeting held in Chengdu on 12 May 1993 that strategies would be adopted to flood Tibet with more Chinese settlers.

The privileges and incentives offered to Chinese settlers in Tibet include employment guarantees at wage levels nearly 90% higher than in China itself and three-month fully paid holidays for every 18 months worked. China's policy of providing incentives to the Chinese settlers in Tibet has put the Tibetans at an apparent disadvantage in all fields. The Tibetans now face discrimination in employment, education, health and housing.

### 10.3. Increasing Transfer of Chinese Population into Tibet

The government of China continues to encourage Chinese nationals to settle permanently in Tibet. On 25 February 1995 the Chinese authorities announced that 1000 "outstanding leading officials and technicians" from China were to be sent to the "Tibet Autonomous Region". It was reported in June 1995 that the work of dispatching selected cadres from China to Tibet was nearly completed with some 500 cadres having already arrived in Tibet.

On 22 April 1995 the Xinhua News Agency reported that nearly 2000 officials in Eastern China's Zhejiang province have applied to work in the "Tibet Autonomous Region". A total of 1970 officials sent applications to the Zhejiang Communist Party Committee to compete for 45 jobs in Tibet.

At the Third General Body Meeting of the Sixth People's Political Consultative Conference, held in Lhasa from 16 to 22 May 1995, it was stated that "Moreover in Gansu and from Tsongon province to the districts to the west of Nagchu in central Tibet there are over 12,000 (Chinese) gold miners".

In April 1996, it was reported that some 500,000 ethnic Chinese were to be moved into Tibet to work on copper mines and that the Beijing authorities planned to build several mining

towns to house about 100,000 migrant workers . On 16 September 1996 Radio Lhasa announced that Chinese teachers, doctors and staff were transferred to Medro-Gongkar District near Lhasa. In April 1996, 2,000 Chinese were send to the Changthang Basin area in Tibet where a team of "Geological Prospecting Team" is being led by Zhao Huan, Chief Engineer with the Geophysical Bureau of China National Petroleum and Natural Gas Corporation. Zhao Huan and his team of workers have been exploring for oil and natural gas reserves since 1995. Over the past two years, the China has sent many officials to Tibet under the pretext of surveying the progress of the various developmental projects initiated in Tibet, but according to sources in Tibet these officials seldom leave Tibet after completing their "survey". The massive transfer of Chinese population into Tibet is a source of great concern for the Tibetans. China's policy of encouraging Chinese nationals to settle permanently in Tibet is seen as a deliberate attempt to completely destroy the Tibetan identity. The serious threat that this situation poses for the Tibetans has frequently led to disturbances between the Chinese settlers and the Tibetans and has resulted in an obvious division in the society. The Tibetans are denigrated as being "backward" and are often looked down upon by the Chinese who have been brought up with a strong racial disdain for the Tibetans.