

Annual Report, 1999 – Tibet: Tightening of Control

Contents

[Executive Summary](#)

- Recommendations [[Read](#)]

[Curtailment of Freedom of Expression](#)

- International Law [[Read](#)]
- China's National Law [[Read](#)]
- Cases of Violation of Freedom of Expression [[Read](#)]
- Conclusion [[Read](#)]

[Arbitrary Arrest and Detention](#)

- International Law [[Read](#)]
- China's National Law [[Read](#)]
- Arrests Resulting from the Exercise of Rights [[Read](#)]
- Pre-Trial Detention [[Read](#)]
- Juvenile Detention [[Read](#)]
- Denial of the Right to Fair Trial [[Read](#)]
- Cases of Unsuccessful Appeals [[Read](#)]
- Conclusion [[Read](#)]

[Political Prisoners and Prisoners of Conscience](#)

- New Political Prisoners Placed in Detention in 1999 [[Read](#)]
- Cases of Arrests from Previous Years [[Read](#)]
- Increased Prison Terms Following Drapchi Protests [[Read](#)]
- Political Prisoners Serving Ten or More Years [[Read](#)]

[Torture in Prisons and Detention Centres](#)

- International Law [[Read](#)]
- Chinese Criminal Law [[Read](#)]
- Torture Resulting in Death [[Read](#)]
- Death of Torture Victims Due to Denial of Medical Care [[Read](#)]
- Forced Labour and Forced Exercise [[Read](#)]
- Reports of Torture in Prisons and Detention Centres [[Read](#)]
- Conclusion [[Read](#)]

[Religious Persecution](#)

- International Law [[Read](#)]
- Denial of Religious Freedom [[Read](#)]
- Arrests of Monks and Nuns [[Read](#)]
- Work Team Visits and Expulsion of Monks and Nuns [[Read](#)]
- Patriotic Re-education in the Lay Community [[Read](#)]

[Women and Forced Birth Control](#)

- CEDAW: Scrutiny of China [[Read](#)]
- Reproductive Rights [[Read](#)]
- Women in Prisons [[Read](#)]
- Denial of Religious Freedom [[Read](#)]
- Eugenics [[Read](#)]
- Conclusion [[Read](#)]

[Rights of the Child](#)

- Right to Education [[Read](#)]
- Discrimination in Schools [[Read](#)]
- Illiteracy - A Problem Not Adequately Addressed [[Read](#)]
- Children Escaping from Tibet [[Read](#)]
- "Re-education" in Religious Institutions [[Read](#)]
- Arrest and Detention of Juveniles [[Read](#)]
- Youngest Prisoner of Conscience [[Read](#)]
- Conclusion [[Read](#)]

[Population Transfer](#)

- International Law [[Read](#)]
- Chinese Policy [[Read](#)]
- Population Transfer Policies in 1999: The World Bank Project [[Read](#)]
- Population Transfer and the Qinghai Project [[Read](#)]
- Implications of the Transfer [[Read](#)]
- Infrastructure Development and their Implications for Population Transfer [[Read](#)]
- Conclusion [[Read](#)]

[Violation of Subsistence Rights](#)

- International Law [[Read](#)]
- Chinese Law [[Read](#)]
- Rural Taxation [[Read](#)]
- Urban Taxation [[Read](#)]
- Compulsory Labour [[Read](#)]
- Health and Social Welfare [[Read](#)]
- Housing [[Read](#)]
- Prostitution [[Read](#)]
- Conclusion [[Read](#)]

[Enforced Disappearance](#)

- International Law [[Read](#)]
- New Cases of Disappearances [[Read](#)]
- Disappearance Cases Reported in 1998 [[Read](#)]

[Racial Discrimination](#)

- International Law [[Read](#)]
 - China's Domestic Law [[Read](#)]
 - Public Representation [[Read](#)]
 - Discrimination in Education [[Read](#)]
 - Discrimination in Employment [[Read](#)]
 - Discrimination in Housing [[Read](#)]
 - Discrimination in Health [[Read](#)]
 - Conclusion [[Read](#)]
-

Executive Summary

1999 marked the official celebration of fifty years of the founding of the People's Republic of China as well as forty years of the "liberation" of Tibet. The symbolic importance of both these events was characterised by various attempts by the Chinese government to display its authority and legitimacy.

Within China and in Tibet there was a tightening of the state's control over every sphere to consolidate its power. Therefore any attempt at questioning the legitimacy of the state was ruthlessly crushed. And yet as the state tightened its iron grip over its citizens and subjects there were also various protests undermining the state authority, ranging from the protests within China by members of the Falung Gong sect, and the continuing resistance in Tibet and the international community over China's illegitimate occupation of Tibet and the abuse of Tibetan human rights for the past 49 years.

Preparations for the twin anniversary celebrations took the form of an increase in surveillance and repressive measures. The anniversaries were thus a celebration of state control rather than an expression of people's exercise of their freedom. The harsh suppression of a peaceful demonstration in Kandze in October resulted in the arrest of at least 80 Tibetans. This is an illustration of the extent of freedom of speech and expression granted to Tibetan people. Information received this year about the May 1998 Drapchi protests is equally disturbing. Eight prisoners have had their sentences extended for up to four years. Ten Tibetans are confirmed dead as a result of gun fire and torture following the protests.

The Chinese government claims that there has been "earth-shaking" progress in social development and in the human rights situation in the last four decades under the communist rule. However the Chinese authorities refuse to acknowledge the fact that thousands of Tibetans continue to flee Tibet every year to escape from China's oppressive policies. This year 2,474 Tibetans fled Tibet including 1,115 children below the age of 18.

China continues to violate the human rights of the Tibetan people. Fundamental aspects of Tibetan society, including language and religion are viewed with suspicion by the government and are officially discouraged. The exercise of their right to speech results in their arbitrary arrests and detention. The disparities between the standard of living of Tibetans and the Chinese settlers are glaring. China's population transfer policy is greatly threatening Tibetan identity and access to resources.

Ever since the peaceful demonstrations in Lhasa in the late 1980's, the Chinese government increased its dominance of Tibet. The "Strike Hard" campaign, initiated in 1996 is resulting

in widespread violations in Tibet. Over 11,000 monks and nuns have been expelled from their monasteries, as "work team" imposed restrictive measure on religious activities. In 1999, this campaign was extended to lay communities as well. More than 2,000 Tibetans escape over the Himalayas every year to avoid these repressive and discriminatory measures.

International governments, lured by China's economic prospects, continue to capitulate to the Beijing government. The European Union decided not to co-sponsor a U.S. human rights resolution during the 55 UN Commission on Human Rights in Geneva, assuring its defeat. During state visits by Jiang Zemin to England and France, extraordinary efforts were made to prevent the Chinese leader from encountering peaceful protesters. These visits ended as victories of commerce and large contracts for British and French corporations, but defeat of human rights.

The World Bank sponsored Western China Poverty Reduction Plan marks the involvement, for the first time of an international organization in a project entailing massive population transfers into Tibet. Two foreign researchers and one Tibetan were arrested in 1999 for attempting to research this project.

The positive developments in international politics in 1999 included the increasing recognition of self-determination movements. The intervention of the international community in Kosovo and East Timor along with the worldwide condemnation of Russia's aggression in Chechnya is an encouraging sign for Tibet. There is an urgent need for increased pressure from foreign governments if Tibetans hope to gain their fundamental freedoms and human rights.

Freedom of Expression

The existence of a right to freedom of speech and expression is rendered redundant by the harsh crackdown on people exercising this right. The expression of any view that contradict Chinese government policies are deemed anti national and the consequences include arrests and detention. In 1999, 115 Tibetans were arrested for peacefully expressing their beliefs.

The "Strike Hard" campaign launched in 1996 aimed at eliminating allegiance to the Dalai Lama, the Tibetan Panchen Lama and Tibetan nationalism. Initially limited to the monastic institutions, the campaign was broadened in 1999 to include all of Tibetan society. In January of 1999, China launched an "atheism" campaign thereby infringing on the right of Tibetans to freely practice their religion.

In Kandze "Tibetan Autonomous Prefecture", Sichuan Province, the People's Armed Police opened fire at over 3,000 Tibetans who were holding a peaceful demonstration. As a result, 80 Tibetans were arrested, and an unknown number were injured.

[\[Full Report\]](#)

Arbitrary Arrests and Detention

All forms of expression contrary to the policies of the Chinese Communist Party are grounds for detention in Tibet. In 1999, 130 Tibetans were arbitrarily arrested and detained by the Chinese government. The arbitrary nature of these arrests are reflected both by the reason for

the arrests as well as the disregard of procedural safeguards. Once detained, their rights in the areas of pre-trial detention, fair trial guidelines and appellate procedure are violated.

In 1997, China revised their Criminal Procedure Law. These changes fall short of international standards and have not had any impact on the legal protections afforded to Tibetans accused of "endangering national security."

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Political Prisoners and Prisoners of Conscience

There are currently 615 known political prisoners and prisoners of conscience in Tibet. Of these, 156 are women, and 62 are serving sentences of ten years or more. 79 per cent of the known political prisoners are monks or nuns. The Chinese authorities monitor information about Tibet very strictly and it is possible that these numbers are higher.

The Chinese government continues to detain ten year-old **Gedhun Choekyi Nyima**, the XI Panchen Lama of Tibet, along with his family. His current condition and whereabouts are unknown. The Chinese authorities have consistently refused requests by concerned government and organisations seeking access to the child, including one by the UN High Commissioner for Human Rights. He is the youngest prisoner of conscience in the world.

Reports received in 1999, indicate that the prisoners involved in the May 1998 Drapchi Prison protests were beaten severely, placed into solitary confinement, and have had their sentences extended for up to four years. At least ten Tibetans were killed in the days and weeks following the protests. Eight political prisoners including Ngawang Sangdrol, the longest serving female political prisoner (currently serving a total of 21 years) in Tibet, have had their sentences extended.

Prominent political prisoners like Tanak Jigme Sangpo, Ngawang Choephel, Phuntsok Nyidron, Ngawang Phulchung, Jamphel Jangchub, Lobsang Tenzin, Phuntso Wangdu, Gyaltzen Dolkar and Jigme Gyatso are still imprisoned.

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Torture in Detention Centers and Prisons

The prevalence of torture as a means of crushing the resistance of individuals is alarming. There have been reports of the use of torture in almost every institution of the state, starting from incarceration, during initial detention, in transit to detention facilities, during interrogation, and in prisons and detention centers.

The widespread use of torture by agents of the state reduce the Chinese national laws prohibiting torture into hypocritical etchings on paper, with no corresponding realities.

The various methods of torture include: beatings, electric shocks, attacks by dogs, painful shackling, forced labour and exercise, prolonged periods of solitary confinement, deprivation of food and sleep, and denial of adequate medical care.

The Chinese government is a State Party to the Convention Against Torture. Since signing the convention in 1986, 69 Tibetans have died as a direct result of torture by officials of the Chinese government. Six Tibetans died due to torture in 1999. An additional four Tibetans died from torture in previous years, but information on these cases reached TCHRD in 1999.

[\[Full Report\]](#)

Religious Persecution

Since the expression of Tibetan nationalism is intrinsically linked to its religious practices, the Chinese government looks at religious persecution as one of the means to crush Tibetan nationalism.

In January 1999, a three-year "atheism" campaign alleging that Buddhism is "alien" to Tibet was launched. Allegiance to Tibet's religious leaders the Dalai Lama and Panchen Lama are banned, and the Chinese government attempts to control all aspects of religious activity. These policies are reminiscent of the policies imposed during the cultural revolution.

In 1999, 1,432 monks and nuns were expelled from their monasteries and nunneries, including 49 Tibetans arrested for resisting "re-education" Since the beginning of the "Strike Hard" campaign in April of 1996, TCHRD has recorded 11,409 expulsions, and 541 arrests of monks and nuns. 244 monks and nuns below the age of 18 have been expelled from their religious institutions. According to Chinese statistics, the number of expulsions represents one third of all monks and nuns in Tibet.

Since 1996, 261 monasteries and nunneries have been subject to the "re-education" programme. The other bodies that infringe religious freedom include the Democratic Management Committees and local Religious Affairs Bureaus. These bodies have the authority to supervise the activities of the monasteries. Under the pretext of supervision there are a number of restrictions placed on the age of the monks and nuns, in an attempt to reduce the monastic population.

[\[Full Report\]](#)

Women and Forced Birth Control

Despite the existence within national and international laws of protections afforded to the rights of Tibetan women, the Chinese government continues to violate these rights. Disregarding legislation guaranteeing concessions for minority groups, coercive family planning measures continue unabated in Tibet. Tibetan women are subjected to forced abortions, contraception and sterilisations by the Chinese authorities. "Unauthorised" pregnancies have resulted in fines, intimidation and denial of privileges, including the right to education and employment for children. There are confirmed cases in 1999 of pregnant Tibetan women dying from forced sterilisation. The Chinese government's birth control policies results in the reduction of the Tibetan population.

[\[Full Report\]](#)

Rights of the Child

In contravention of its treaty obligations, the Chinese government consistently violates the rights of Tibetan children. As a consequence of transfer of Chinese into Tibet, Tibetan language and customs are becoming redundant. Thus Tibetan children are being deprived of their cultural rights and the long term effect of this is the dilution of the distinctive character of Tibetan identity. The long term effects of a denial of the rights of children is also to ensure that the Chinese authorities cultivate a more "disciplined" and assimilated set of citizens for the future ensuring that the Tibetan resistance will not have a future.

The choice left to Tibetan parents is either to assimilate their children into the new Chinese society, or send them to India for a Tibetan education. Parents are increasingly compelled to send their children on the perilous journey into exile. In 1999, 1,115 children below the age of 18 arrived in India for education in Tibetan schools.

Tibetan children are denied their right to freedom of expression. There are currently 2 political prisoners below the age of 18 in prisons in Tibet and 21 others who were imprisoned as children but are now adults. Tibetan children are also denied their guaranteed right to freedom of religion. In 1999, 244 monks and nuns were expelled from their religious institutions as age restrictions were implemented throughout Tibet.

[\[Full Report\]](#)

Population Transfer

The transfer of Chinese into Tibet is the most serious threat to the survival of the Tibetan people and culture. Population statistics estimate that there are now more Chinese than Tibetans in Tibet. Tibetans are getting marginalised in all sectors of the economy. Combined with repressive birth control measures, it is clear that the effect of the Chinese policy is reducing the Tibetans to an insignificant minority in their own land.

The Western China Poverty Reduction Plan funded partially by the World Bank, if implemented will reduce the percentage of Tibetans in Dulan County from 22 to 14 per cent of the total population.

[\[Full Report\]](#)

Violation of the Right to Subsistence

Despite claims made by the Chinese authorities of economic development and growth in Tibet, the reports received indicate that these "developments" have benefited only the Chinese settlers. According to recent United Nations Development Program data, Tibet places somewhere between 131 and 153 out of the 160 countries on their Human Development Index.

Repressive and unequal rural taxation measures are further exacerbating the conditions of poverty for Tibetan nomads and farmers. The unchecked power given to local authorities results in the further violation of the Tibetan peoples rights, and there have been many cases reported of forced labour being extracted in lieu of taxes. Most of the basic rights associated with a "welfare state" like the right to housing and health remain unfulfilled.

[\[Full Report\]](#)

Enforced Disappearance

In 1999, TCHRD received information on 16 new cases of enforced disappearance in Tibet. Of the 12 cases reported in 1998, the conditions and whereabouts of three remain unknown. The Chinese government continues to detain Tibetans in unknown locations for prolonged periods of time. The families of these victims are not provided with any information about their whereabouts.

The condition and whereabouts of Gedhun Choekyi Nyima, the XI Panchen Lama of Tibet and with his family remain unknown.

[\[Full Report\]](#)

Racial Discrimination

Despite being a State Party to the **International Convention on the Elimination of All Forms of Racial Discrimination**, Tibetans continue to be discriminated against by the Chinese government. The crucial factor is the lack of genuine political representation as this curtails the Tibetan people's ability to resist discriminatory measures in education, employment, health-care and housing.

Chinese population transfer and economic incentives favoring Chinese in Tibet exacerbate these discriminatory conditions. The Tibetan people are hence becoming the new social underclass in Tibet.

[\[Full Report\]](#)

Recommendations

The evidence that TCHRD has gathered in the past year suggests that in 1999, China has been tightening its control over Tibet. This has resulted in the further violation of the rights of the Tibetan people in every aspect and sector of society as evidenced by this report. We request the International Community, the Chinese Government and the United Nations to urgently consider the following recommendations:

Ensure that China ratifies the ICCPR and the ICESCR and takes immediate steps to incorporate the norms laid down in the two covenants within their national legislation.

In light of the frequent cases of involuntary and enforced disappearances, we urge the UN Commission for Human Rights to set up a working group to investigate the cases of disappearances in Tibet.

We urge the UN Committee on Economic, Social and Cultural Rights to demand a report from the Chinese government with respect to various components of the right to subsistence, to compare these with both the real situation as determined by NGO's and with the normative standards established by the ICESCR committee.

We support the proposed Optional Protocol to the CEDAW as it would allow an individual right to petition, ensuring that women victims still have a final recourse under an International Human Rights instrument.

We urge the Special Rapporteur on Torture who is due to visit China in the year 2000 to pay special attention to the material conditions in Tibet. We also strongly urge the Chinese authorities to co-operate with the Special Rapporteur to allow him unfettered access to the necessary information.

We urge the World Bank not to pass the \$40 million component of the loan which is a part of the Western Poverty Reduction Project as it would entail a massive transfer of Chinese into Dulan affecting Tibetan identity. We further urge the World Bank and all other International Organisations to ensure that they should not fund any project that involves a policy of population transfer.

Based on the suggestions made by the Special Rapporteur on Religious Intolerance on the importance of follow ups to in situ visits, it is our request that the Special Rapporteur who had last made his visit to China and Tibet in 1994, make a follow up visit to determine the extent of the violations of religious rights in Tibet.

We urge the Special Rapporteur on Racism, Racial discrimination and Xenophobia to visit Tibet and examine the Chinese Government's policies on education, employment, public representation, health and education, which discriminates against Tibetan people.

We demand that the Chinese government clarify the scope and extent of the term "endangering state security" in it's Criminal Procedural Law which in its present ambiguous form is used to suppress a number of rights, including the right to freedom of speech and expression.

We strongly demand the release of all political prisoners by the Chinese government, including those arrested for the exercise of their right to freedom of speech and expression.

Contravening all international norms pertaining to the rights of the child, the Chinese government has detained Gedhun Choekyi Nyima, the youngest prisoner of conscience in the world (the 11th Panchen Lama of Tibet since May 1995). We demand his immediate release.

We urge the Chinese government to ensure that prostitution in Tibet is curbed by strictly implementing the laws which deems prostitution illegal.

We urge the Chinese government to lay down a transparent taxation policy, especially in rural Tibet, to ensure that there is no misuse of power by the local authorities.

Curtailement of Freedom of Expression

The Chinese government authorities continued to commit widespread violations of Tibetans' rights to freedom of expression in 1999. All activities viewed as threats or vehicles for political dissent are not tolerated and forcibly suppressed. According to credible reports, serious human right abuses in Tibet include lengthy detention of Tibetan nationalists for peacefully expressing their political views.

Out of 130 known arrests in 1999, 115 Tibetans were arrested for peacefully exercising their rights to freedom of expression.

In January 1999, the Chinese government launched a three-year "atheism" campaign aimed at eroding support for Buddhism and the Dalai Lama in Tibet. Combined with the "re-education" campaign being carried out at monasteries and nunneries throughout Tibet, this threatens the survival of Tibet's unique cultural and religious heritage. "Patriotic" re-education"" part of the "Strike Hard" campaign was launched in April of 1996 by the Chinese government in an attempt to suppress "splittist" activity by tightening restrictions on monasteries and nunneries, seen by the authorities as centres of political activism. There has been widespread resistance and resentment in monastic institutions in response to this campaign. As a result, 11,409 monks and nuns are known to have been expelled from their monasteries and nunneries since 1996.

Since the Third National Forum on Work in Tibet in 1994, the authorities have been able to intensify the attack on "splittism" by portraying the most basic elements of Tibetan culture, including language and religion as threats to national unity, portraying them as disguised forms of separatism. Human Rights Watch in 1999 reported that, "[s]trict controls remained on expression, association and assembly, with political and religious dissent . . . and supporters of nationalist movements often facing arrest and detention."

Chinese authorities continue to use charges of "endangering state-security" to suppress freedom of expression in Tibet. The United Nations Working Group on Arbitrary Detention (UNWGAD) in October of 1997 stated, "Even though the nomenclature 'counter-revolutionary' crimes had been abolished, the jurisdiction of the state had been allowed to expand and acts of individuals in freedom of expression and opinion may well be regarded as acts 'endangering state-security.'" The Chinese government contends that the aforementioned category of crime conforms to the principles enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), and that these two documents are subject to restrictions imposed by (national) law. When examining this claim, the UNWGAD stated, "municipal legislation that considers such activities (issuing and distributing writings or speeches, instigating national separation harmful to society, etc.) as counter-revolutionary propaganda and agitation . . . is liable to be declared inconsistent with the UDHR and ICCPR."

The year 1999 coincided with significant anniversaries in China and Tibet. Throughout the year, Chinese authorities tightened security and surveillance in all major cities and towns to prevent incidents of nationalist dissent.

In November 1999, the Chinese government issued new regulations on public assembly, requiring gatherings of over 200 people to obtain prior approval from PSB (PSB). The new regulations are believed to be aimed at members of the banned Falung Gong group who held protests in China this year, as well as targeting social unrest arising from economic factors. There are fears that these new regulations will be invoked to suppress freedom of expression in Tibet.

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 opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

China's National Law

Article 35 of the Constitution of the People's Republic of China declares:

Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Additionally, the Chinese Constitution guarantees: freedom of religious belief; inviolability of the person and their dignity; protection against arbitrary arrest; inviolability of the home; freedom and privacy of correspondence; the right to criticise.

The gulf between the laws and this application remains significant as authorities continue to place a higher priority on "stability" than on national and international laws and norms. The Tibet Information Network notes that, "[d]espite the potential for significance in revisions of law and criminal procedure, the outlook for Tibetans who express political views differing from those mandated by the state is demonstrably worse today than a few years ago."

Cases of Violation of Freedom of Expression

Approaching March 10 and October 1, the 40th anniversary of the Tibetan National Uprising and 50th anniversary of the founding of the People's Republic of China respectively, individuals suspected of political activities were detained for periods ranging from a few days to several months. Reports indicate that at least 80 people were detained in Lhasa. According to one report from Tibet, "the 'TAR' State Security Bureau has ordered security personnel to carry out a number of token arrests during the weeks leading up to March 10 in order to deter others from participating in protests during the anniversary period." Displays of Chinese military hardware and anti-riot procedures were displayed to further deter all peaceful forms of political expression leading up to the anniversaries.

Reports indicate that PSB, PAP and local police stations in Lhasa were issued with emergency orders to be alert in all political sensitive areas in Lhasa surrounding these anniversaries. Orders were issued prohibiting residents of Lhasa from assembling with two or more people in public places. Official circulars were also sent to all educational institutions and government departments ordering them to remain inside offices on the proscribed dates. Residents of Lhasa attempting to travel during these periods were required to seek permission from their local authorities. Confirmed reports indicate that Tibetans were threatened with the loss of their jobs if they did not participate in the celebrations.

Two Tibetan monks, **Phuntsok Legmon** (lay name: Tseten Norbu), 16 years old, and **Namdrol** (lay name: Sonam Choedrak), 21 years old, were arrested on March 10, 1999 for staging a peaceful demonstration in Lhasa. They were sentenced by the Lhasa City's Intermediate People's Court on charges of "plotting to split the country or undermining national security" on July 9, 1999 to three years and four years respectively.

Security was heightened during the National Minority Games, which was held in Lhasa from August 18 to 23, 1999. Chinese authorities imposed strict measures restricting attendance. However, several incidents of protests were reported prior to and during the Minority Games.

Ngawang Tsedup (21), a monk of Taglungdrag Monastery in Toelung Dechen County, raised pro-independence slogans on August 20 during a dress rehearsal for a dance

performance. He was immediately arrested by security police and taken to Gutsa Detention Centre.

An unconfirmed report indicates the arrest of two monks and two nuns after chanting slogans in the presence of Chinese dignitaries at the sports stadium in Lhasa during a cultural performance to celebrate the National Minority Games.

A week before the 64th birthday of the Dalai Lama, Chinese authorities banned Tibetan celebrations commemorating the occasion. The authorities distributed a leaflet which stated "the celebration of the birthday is against the law of the country as the Dalai Lama fled Tibet since 40 years and not only does he head his clique but also never stopped his splittist activities." The custom of celebrating the birthday is viewed as propagating acts of "splittism" and instigating masses to oppose the Chinese government. The document also warns that henceforth this event is completely banned and failure to abide this shall be seen as ignoring Chinese law and dealt with accordingly.

On July 6, the day of the Dalai Lama's birthday, movement of Tibetan people was restricted and Chinese police patrolled the route to Ngachen township near Lhasa City to block Tibetans from visiting the "birthday village" (a place specifically set aside for incense burning ceremony on the birthday of the Dalai Lama.).

A monk from Gyutoe Monastery in Lhasa City named **Lobsang Choephel** went to Ngachen to celebrate the Dalai Lama's birthday. He was reportedly detained on the way and severely beaten.

A 60 year-old Tibetan man was returning to Ngachen when he was stopped and his bags were searched. On finding tsampa (roasted barley flour often used as an offering to deities) in his bag, he was accused of planning to commemorate the occasion and was beaten by the security personnel.

During a peaceful protest on October 31, 1999 in Kandze County, Kandze "TAP", Sichuan Province, officials of PSB opened fire at some 3,000 Tibetans. The protestors were demanding the immediate release of three Tibetan monks from Kandze Dhargye Monastery who were arrested on October 24, 1999 on grounds of suspicion of involvement in political activities. Following the protest, at least 80 Tibetans are reported to have been arrested.

On July 20, 1999, PSB officials arrested eleven monks from Kandze Dhargye Monastery after discovering pro-independence slogans on the walls of the monastery. The monks were charged with inscribing "Tibet is independent" with red paint on the gates and walls of the monastery. The details of their identifications and whereabouts are unknown.

Three monks, **Ngawang Tenzin** (21) from Toelung Dechen County in Lhasa, **Gyaltsen Jangchup** (21) from Nagartse County in Lhoka Prefecture and **Namdol Choedon** (22) from Nyemo County in Lhasa were arrested after staging a peaceful protest in Lhasa during the celebration of the 50th anniversary of the founding of the PRC. It is reported that the three monks from Taklungdrag Monastery were severely beaten at the time of their arrest. Their present whereabouts are unknown.

Dakpa (23) and **Riglo** (22) from Tawu Nyitso Monastery in Tawu County in Sichuan Province were arrested in June 1999 on charges of placing independence posters in the streets of Tawu. They are currently detained in Tawu Detention Centre.

Lobsang Kunchok alias Choedar, a 23 year-old former monk from Kirti Monastery in Ngaba County, Sichaun Province, was arrested in April, 1999 on charges of pasting pro-independence posters in Ngaba. He was sentenced by the Barkham People's Court to five years' imprisonment.

Conclusion

In 1999, the Tibetan people's right to freedom of expression was consistently and forcibly suppressed by the Chinese government. All forms of peaceful protest are viewed as a threat to national security by the government and not tolerated; in the process, the Chinese government violated International and National law. Tibetans are prevented from participating in the cultural, religious and political affairs of their country. The Chinese government used threats of punishment and reprisals to coerce Tibetans to participate in celebrations marking the 50th anniversary of the founding of the PRC. All expressions of allegiance to the Dalai Lama, including Buddhism were repressed.

Arbitrary Arrest and Detention

In 1999, the Chinese government violated international and national law in the areas of arbitrary arrest, detention, fair-trial guidelines, and standards for appeals. The US State Department in their 1999 county on China noted "The Chinese government authorities continued to commit serious and widespread human rights abuses in Tibet, including ... arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political views. Legal safeguards for ethnic Tibetans detained or imprisoned are the same as those in the rest of China and are inadequate in design and implementation".

In 1999, 130 arbitrary arrests were recorded in Tibet.

According to a UN study, an arrest or detention is arbitrary if it is: (a) on the grounds or in accordance with procedures other than those established by law, or (b) under the provision of a law the purpose of which is incompatible with the respect for the right to liberty and security of person. Under both the procedural (a) and substantive (b) qualifications, arrests and detention in Tibet continue to be arbitrary under Customary International Law.

The fundamental problem with criminal procedures in Tibet is that rule of law is usurped by political considerations. All acts and beliefs contrary to CCP policy are grounds for suppression, regardless of established legal safeguards. Although "the Constitution and laws [of China] provide for fundamental human rights, these protections are often ignored in practice. Abuses include ... arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process ... In most cases, particularly sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than enforcing legal norms."

International Law

Article 9 of the Universal Declaration of Human Rights states:

No one shall be subject to arbitrary arrest, detention, or exile.

Article 9 of the International Covenant on Civil and Political Rights (ICCPR) states:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

In October of 1998, the Chinese government signed (but has yet to ratify) the ICCPR. According to Article 18 of the Vienna Convention (of which China is party to), a "State is obliged to refrain from acts which would defeat the object and purpose of a treaty in this grey period (between signature and ratification) preceding entry into force." The Chinese government's position in relation to the ICCPR is expressed by Mr. Zhu Muzhi, President of the Chinese Society for the Study of Human Rights. "[S]ince China did not participate in drafting the Covenant and its national conditions differ from those in other countries, the Chinese government will pay attention to the issues of how to implement the Covenant and adapt it to China's existing laws and regulations."

China's National Law

In 1997, changes to the Criminal Procedure Law (CPL) of China came into effect. However, the underlying content of the law has remained intact and there is little evidence to suggest that the move is anything more than an attempt to bring criminal definition in line with international nomenclatures. The US Department of State in its annual Human Rights Country Report on China for 1999 commented, "implementation of the new CPL so far remains uneven and far from complete. Even if fully implemented, the CPL still would fall short of international standards in many respects."

A number of changes have been made to the CPL. They include: the term "counter-revolutionary" crime has been changed to "endangering state security"; administrative detention to "shelter and investigation" and amendments concerning the rights to legal defence have been made. However in Tibet, these changes have not translated into increased promotion of fundamental freedoms or rule of law.

Arrests Resulting from the Exercise of Rights

In 1999, Tibetans were arbitrarily arrested and detained for peacefully expressing their beliefs. All forms of allegiance to the Dalai Lama, the exiled Tibetan government, the Panchen Lama recognised by the Dalai Lama, and resistance to Chinese policies in Tibet, were grounds for arrest and detention.

A number of arrests were reported in 1999 that coincided with significant anniversaries in China and Tibet, as the government attempted to suppress any form of political dissent resulting from the continuing occupation of Tibet.

Three monks were arrested for staging a peaceful protest during the celebration of the 50th anniversary of the founding of the People's Republic of China in Lhasa. Four monks from Taklungdrag Monastery in Toelung Dechen County in Lhasa, participated in the protest,

although one monk escaped detention. The three monks arrested, **Ngawang Tenzin** (21) from Toelung Tsomey, **Gyaltzen Jangchub** (21) from Nagartse County, and **Namdol Choedon** (22) from Nyemo County were reportedly beaten upon their arrest. The charges, as well as their current whereabouts are unknown.

Ngawang Tsedup, a 21 year-old monk from Taklungdrag Monastery, was arrested on August 20, 1999 for shouting pro-independence slogans on a stage built for celebrations commemorating the National Minority Games held in Lhasa. He was taken to Gutsa Detention Centre. His sentence and current whereabouts are unknown. Unconfirmed reports indicate two monks and two nuns were arrested for chanting slogans in the presence of Chinese dignitaries during a cultural performance at the National Minority Games in Lhasa. No further information is available on this incident.

Phuntsok Legmon (lay name: Tsetan Norbu), 16 years old and **Namdrol** (lay name: Sonam Choedrak), 21 years old, from Taglungdrag Monastery near Lhasa City were arrested on March 10, 1999 for staging a peaceful demonstrations on the anniversary of Tibetan National Uprising Day. The monks were charged and convicted by the Intermediate People's Court of Lhasa City on July 9, 1999 for, "plotting to split the country or undermining national security" and sentenced to three and four years with deprivation of political rights for one and two years respectively. It is believed that they are serving their sentence in Drapchi Prison. Phuntsok Legmon is being detained in an adult prison, in direct violation of Article 37 (c) of the UN Convention on the Rights of the Child, of which China is a State Party.

Arrests were reported as a result of resistance to "patriotic education" campaigns being conducted in monasteries and nunneries in Tibet. "Work teams" have conducted "re-education" sessions at Kandze Dhargye Monastery since 1997. On July 20, 1999, eleven monks were arrested after PSB officials discovered pro-independence slogans painted on the walls of their monastery. The identities of the monks as well as details of the arrests and detentions are unknown at this time.

On October 31, 1999, over 3,000 Tibetans held a peaceful protest demanding the immediate release of Sonam Phuntsok, Agyal Tsering and Sonam Choephel in front of the Kandze County People's government offices and Kandze Detention Centre. PAP officials opened fire on the demonstrators injuring an unknown number of individuals. Over 80 Tibetans were arrested in connection with this incident. The detainees were held in incommunicado detention. Reports indicate that an unknown number of individuals have been released, and others will be released upon remittance of a fine.

Sonam Phuntsok, a 48 year-old monk from Kandze Dhargye Monastery was arrested on October 24, 1999 along with two other monks, **Agyal Tsering**, alias "Agyong" (47) and **Sonam Choephel**, by officials of the Kandze PSB. Sonam Phuntsok is a well-known scholar of Tibetan history and religion as well as a proponent of education for Tibetans. He was suspected of having contacts with the Tibetan Government-in-Exile as well as suspicion of his involvement in political activities. Agyal Tsering had previously been arrested for activities promoting Tibetan independence in 1990, including distributing leaflets and posters in Kandze and Odoling City, Qinghai Province. Sonam Choephel is reportedly the assistant to Sonam Phuntsok. Sonam Phuntsok's arrest led to a large demonstration held in Kandze a week after the arrest of the three monks.

Tsering Dorje, a 26 year-old teacher from Rebkong County in Malho "TAP", Qinghai Province, was detained on August 15, 1999 in Dulan County, Amdo (Chinese: Qinghai). He was charged with assisting two foreign researchers investigating a proposed World Bank project. The two foreign researchers, Gabriel Lafitte (Australia) and Daja Meston (USA) were released shortly after their detention and expelled from China. Tsering Dorje was released from custody after being detained for one month and was seen at Qinghai Teacher Training College in Xining. Tsering Dorje's release appears to have been the result of foreign governments and institutions intervening on his behalf.

Lobsang Kunchok, (Lay name: Choedar), a 26 year-old monk from Kirti Monastery in Ngaba County, was arrested in April of 1999 by members of the Ngaba County PSB for peacefully advocating Tibetan independence and allegiance to the Dalai Lama. His crimes include pasting posters calling for a "Free Tibet" and "Long Live the Dalai Lama" in Ngaba County. He was sentenced to five years' imprisonment and is currently serving his sentence in Barkham Prison.

Penpa Tsering, 30 years old and two unknown monks from Namo Monastery were arrested on May 31, 1999 by PSB officials of the Tso-toe township in Phenpo Lhundup County. The monks were arrested for peacefully advocating Tibetan independence by pasting "Free Tibet" posters on the gate and walls of the Tso-toe government offices. The three monks were originally detained in Lhundrup County Detention Centre. Their current whereabouts as well as status are unknown.

Pre-Trial Detention

The revised CPL eliminated six forms of pre-trial detention, including "shelter and investigation" an administrative form of detention under which a suspect could be held without formal charges for a period of up to three months. This three month limit had been routinely violated, and cases have been reported of people being held in "shelter and investigation" for up to ten years.

In the amended CPL, the time limit for judicial detention without charge is a maximum of 44 days, an extension of ten days allowed under the 1979 law. However, part II of the amended CPL allows new possibilities for extensions to the period of time for which a person can be detained and "investigated". As in the 1979 CPL, the amended version allows a suspect to be held in custody for two months with a month extension allowed for "complicated cases". The amended law also allows for a suspect to be held for a further two months with the approval of the procuratorate at the "TAR" or municipal level in "major and complicated" cases, including those "involving a broad spectrum of crimes for which evidence is difficult to obtain." A detainee can therefore now effectively be "investigated" for considerably longer than 44 days before formal charge, arrest and procuratorial and judicial procedures begin, without violating the flexible time stipulated in the amended CPL.

Under the provision "shelter and investigation," detentions were determined by the police and local government committees independent of judicial proceedings. Not only were citizens, who were subjected to such proceedings denied the right to a judicial determination of their sentence, they were denied the right to a hearing or to counsel. In Tibet, the elimination of the "shelter and investigation" provision has had no effect on illegal pre-trial detention. Violations continue to be reported under the revised law as the length of pre-trial detentions exceeded the new standards and administrative detention continued to occur. Within the

revised CPL, legal guarantees continue to fall short of international standards. Non-custodial forms of detention under the revised CPL are contrary to the fundamental guarantees, expressed in the UDHR that, "[n]o one shall be subject to arbitrary arrest and detention."

In Tibet, individuals continue to be detained for long periods without formal charges or judicial proceedings. The Lawyers Committee for Human Rights noted that, "the core deficiency in the Chinese system is the enormous power that the police have to detain suspected criminals. International law requires that 'anyone arrested or detained on a criminal charge shall be brought promptly before a judge.' The CPL lacks any such procedure. The result is that the police continue to have largely unfettered discretion to hold suspected criminals for extended periods of time. It is apparent from the revised CPL that one of the principle functions of 'taking a guarantee and awaiting trial' and 'supervised residence' (two forms of pre-trial detention) is to allow the police to impose restrictions on people against whom evidence is insufficient to justify pre-arrest detention or arrest."

In its report from its field mission to Tibet and China in October 1997, the Working Group on Arbitrary Detention denounced the "absence of a judge or independent tribunal when a detainee was sentenced by committees to re-education through labour." During the 54th UN Commission on Human Rights in March and April 1998, the Working Group again expressed concern about the continuation of these measures.

Ama Lhundup Wangmo (62), **Tashi** (67), **Tsewang Palmo**, alias Tsepag (65), and **Sonam** were arrested on August 20, 1998 under suspicion of "indulging in political incitement of elderly Tibetans." Reports indicate that elderly Tibetans were gathering in increasing numbers around the Jokhang Temple (Barkhor area) in Lhasa and authorities became suspicious of a possible political motivation. At the time of initial detention, the Intermediate People's Court of Lhasa stated that the cases needed further investigation. According to an unofficial source, since the time of arrest, all four have been detained in Sietru Detention Centre. They have been detained without trial for 15 months.

Kalden, 34 years old, from Dagkar Tral-Zong Monastery was arrested and detained in December of 1998 by officials of the Tsolho "TAP's" Intelligence Bureau of Qinghai Province. He was accused of donating 18,000 yuan to the Tibetan Government-in-Exile. Kalden was detained for six months without formal charge or trial, reportedly beaten during interrogation and subsequently released on medical parole. There are concerns that he may be re-arrested if his health improves.

Ngawang Kyonmey, 27 years old, was arrested in September of 1998 under suspicion of conspiring to hand a letter to Mary Robinson, UN High Commissioner for Human Rights upon her visit to Tibet in October of 1998. He reportedly suffered severe beatings while in detention at Gutsa Detention Centre. As of November of 1999, 13 months after first being detained, no known charges have been filed.

Dakpa Gyaltsen, 24 years old, from Rong-Gonchen Monastery was arrested by PSB officials at Xining Tibetan Medical College on April 7, 1999. He was detained for distributing pictures of the Dalai Lama and the Panchen Lama. At the time of arrest, Dakpa Gyaltsen, from Sakyil village in Rebkong County, Malho "TAP" was working at the aforementioned college. Unconfirmed reports indicate that he is currently being detained in a prison in Xining, possible Qinghai PSB Detention Centre. His family has been denied visitation rights and as

of December of 1999, eight months after first being detained, Mr. Gyaltzen had not been formally sentenced.

Juvenile Detention

Juvenile detentions continue to violate national and international law, with cases of juveniles being held in detention centres and prisons with adult inmates. There are documented cases of juvenile detainees having their visitation and correspondence rights denied. These practices are in direct violation of the UN Convention on the Rights of the Child, Article 37 (c) which states:

Every child deprived of liberty shall be separated from adults ... and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.

Yeshi Yarpheh, a 15 year-old was arrested and detained by the PAP in late February, 1999. He was accused of spying for the Tibetan Government-in-Exile and held in Nyari Detention Centre in Shigatse. He was detained for two months without formal charge before being released in late April of 1999. During detention he was denied visitation rights and was reportedly confined with adult prisoners.

It remains unclear as of December 1999 whether 11 year-old Gedhun Choekyi Nyima, the XI Panchen Lama is under house arrest or some other form of custodial detention. Chinese authorities have repeatedly denied requests, including one by the UN High Commissioner for Human Rights requesting access to the child. He is currently the youngest prisoner of conscience in the world.

Denial of the Right to Fair Trial

Tibetan political defendants in particular are not in a position to receive a fair trial based on international standards.

The right to a fair trial as recognised in the UDHR has become legally binding on all states as part of Customary International Law. In Tibet, all individuals accused of political crimes, including those officially termed, "endangering state security" are denied the right to a fair trial guaranteed in the UDHR.

Articles 10 and 11(1) of the Universal Declaration of Human Rights state:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in determination of his rights and obligations and of any criminal charges against him. Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

In Tibet, the judiciary is an organ of the Chinese Communist Party (CCP), and decides matters before them according to party mandates, disregarding national and international law. "The Chinese Constitution provides for an independent judiciary; however, in practice the judicial system is subject to the policy 'guidance' of the CCP and government influence, particularly in politically sensitive cases." Referring to judicial procedures, the International

Commission of Jurists in 1997 noted, "the procedures applied to Tibetans, particularly those accused of political crimes, lacks the most elementary safeguards. What is most troubling, however, is the general dependence of the judiciary on the CCP and its subordination to state policy -- including the policy of repressing those advocating Tibetan independence."

According to the UN Basic Principles on Independence of Judiciary:

The Judiciary shall decide matters before them impartially, on the basis of the facts and in accordance with the law, without any restrictions, improper influence, inducements, pressures, threats or interference, from any quarter for any reason.

The Chinese government has admitted that the judiciary is not independent of the CCP, and plays an important role in carrying out party mandates. Jianxin, People's Court President stated in 1990 that, "Leadership of the Party (CCP) over the courts is the basic guarantee for the courts to achieve their adjudicatory tasks." In Tibet, all acts contrary to CCP policy are punished, regardless of the law.

These activities are punished under "state-security" laws. However, the revised CPL does not define the concept of "endangering state-security", thereby permitting arbitrary enforcement. The Tibet Information Network has noted that, despite the obsolescence of the criminal terminology of "counter-revolution," sentences for the same activities in Tibet are, on the whole, growing longer, more common, and are being handed down by "judicial" rather than "administrative" procedures. There are "insufficient safeguards against the use of evidence gathered through illegal means such as torture; the appeals process fails to provide sufficient avenue for review; and there are inadequate remedies for violations of defendants rights." In the year 1996, defendants in Tibet were found not guilty in eight of 1,853 cases in the "TAR" criminal court.

The amended CPL gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, political activists still have significant problems obtaining competent legal representation of their own choosing. Compounding this obstacle, lawyers are often reluctant to take political cases as authorities in the past have retaliated against lawyers representing such defendants.

Ngawang Sangdrol, the longest serving female political prisoner in Tibet had her sentence extended for the third time in October of 1998 by the Intermediate People's Court of Lhasa, bringing her total sentence to 21 years. Arrested and sentenced at the age of 15 in 1992, she is currently serving her sentence in Drapchi Prison. Her continued detention and sentence violates Article 17 of the Chinese Criminal Code which stipulates that minors below the age of 18 and above 14 will be given a lesser punishment or a mitigated punishment. Her initial sentence as well as two subsequent extensions violate the Chinese Penal Law. According to sources from Tibet, Ngawang Sangdrol's sentence was extended by four years due to her participation in the May 1 and 4, 1998 demonstrations in Drapchi Prison, which left 11 prisoners dead. Her original arrest and sentence, and current detention violates various provisions of International Law, including Articles 2, 5, 9, 10, 11, 19, 29 (2) and (3) of the UDHR, and Articles 1(1), 2 (3a, b, c), 7, 9, 10 (1b), 14 (1, 2, 3b, 3d), 18, 19 (1, 2, 3) and 21 of the ICCPR.

Cases of Unsuccessful Appeals

In 1999 there were no cases of successful appeal in Tibet. Not only are defendants denied appeals, but reports indicate that a majority of individuals do not file appeals. Referring to the revised CPL, the Lawyers Committee for Human Rights noted, "none of these changes addresses the fundamental problem in the appellate process in China: the reluctance of defendants to appeal." "No Tibetan is yet known to have mounted a successful defence against any politically nuanced charge, nor is an appeal against conviction known to have been successful."

Chinese researchers have documented a steady decline in appeal rates since the CPL first became effective [1979]. The reluctance of defendants to appeal is due to the fact that appeals are generally unsuccessful or higher courts merely approve the decisions of the original trial without reviewing the case. Another significant hindrance in the appeal process is the fact that those who do appeal may face a graver verdict.

Phuntsok Wangdu, 34 years old, from Taktse County in Lhasa Municipality, was arrested on February 7, 1997, charged with "espionage" after being detained for 14 months without trial. He was sentenced to 14 years' imprisonment by the Intermediate People's Court of Lhasa in June 1998. He has appealed for a re-trial, claiming he is innocent. He is currently held in Drapchi Prison.

Conclusion

Arbitrary arrest, detention, denial of the right to a fair trial, and hindrance to the appeals process continued unabated in Tibet in 1999. Authorities suppressed all acts of peaceful political expression, contravening international and national laws in the process. The Chinese government denies the existence of political prisoners in Tibet, while repressing all acts it views as a threat to its rule over Tibet. Obstacles for the implementation of rule of law in Tibet remain severe, as the judiciary remains a tool of state oppression, and all forms of protest against the Chinese government are silenced, often through violent measures.

Political Prisoners and Prisoners of Conscience

Political prisoners and prisoners of conscience are those detained on account of their religious, political, and ethnic views. According to the United States State Department, "Chinese government authorities continue to commit serious human rights abuses in Tibet, including lengthy detention of Tibetan nationalists for peacefully expressing their political views." The Chinese government controls access to and information about Tibet, making it difficult to receive information on political prisoners. Often the number and identity of political prisoners reaches TCHRD years after the prisoners have been detained.

As of December 1999, 615 known Tibetans remain incarcerated on these grounds. Of these, 162 are women and 23 were juveniles at the time of their arrests. There are currently 62 known political prisoners serving sentences of ten years or more.

The Chinese government targets monasteries and nunneries to control dissident activities. TCHRD's statistics indicate that nuns and monks make up 79 per cent of political prisoners currently detained in prisons. These prisoners, arrested simply for exercising their rights, lose many other rights once imprisoned. They are subject to physical and mental torture, and held in incommunicado detention in prisons that fall well below international guidelines.

China expanded two major prison complexes in Lhasa this year, Drapchi Prison and Sangyip Detention Centre. These expansions indicate a growth in prisoner capacity in the Lhasa area. Drapchi Prison added a new three-storey cell-block fronted by a large concrete assembly area. Within Sangyip Detention Centre, in Outridu Prison, an additional cell-block was added. If all cell-blocks are utilised, Outridu Prison has approximately doubled its prison population since 1997.

International campaigns have been launched by non-governmental organisations urging the Chinese government to release political prisoners and prisoners of conscience in Tibet. These campaigns include: Tanak Jigme Sangpo (73), the longest serving Tibetan political prisoner; Ngawang Sangdrol (23), the longest serving female political prisoner; Ngawang Sungrab (28), Ngawang Jungney (29), Gyaltzen Choephel (28), Ngawang Choephel (36), Lodroe Gyatso (40), and Phutsok Nyidron (31). Despite strong international pressure, the Chinese government is yet to accede to these requests and has shown no relaxation in their policies.

China also has in its custody the world's youngest prisoner of conscience, **Gedhun Choekyi Nyima** (11), the XI Panchen Lama as recognised by the Dalai Lama. Gedhun Choekyi Nyima, together with his parents, continues to be held by Chinese authorities. Their whereabouts are unknown.

New Political Prisoners Placed in Detention in 1999

Dakpa and **Riglo**, two monks of Tawu Nyitso Monastery in Tawu County, Kandze "TAP", were arrested on suspicion of involvement in a poster campaign that took place in August of 1998. During August, posters calling for Tibetan independence were seen in public places in Tawu County. The posters read "Independence of Tibet" and "Chinese quit Tibet." The Tawu PSB investigated the matter, but was unable to solve the case. The case was left unresolved until June 1999, when the two monks were arrested. Dakpa, a 23 year-old monk, was arrested by Tawu PSB officers from his monastery on suspicion of the 1998 poster incident. After Dakpa's arrest, he was taken to Tawu County Detention Centre (CDC). After almost ten days, another monk, Riglo, around 22 years old, from the same monastery was arrested by Tawu PSB and detained along with Dakpa. Dakpa and Riglo are believed to be detained in Tawu County Detention Centre.

Dakpa Gyaltzen and **Sangye Tashi**, two monks from Rong-Gonchen Monastery were arrested in April of 1999 on charges of distributing pictures of the Dalai Lama. Dakpa Gyaltzen, 24 years old, is from Sakyil village in Rebkong County, Malho "TAP", Qinghai Province. He was arrested on April 7, 1999 from Xining Tibetan Medical College after PSB officials learned that Gyaltzen had distributed pictures of the Dalai Lama and the XI Panchen Lama, Gedhun Choekyi Nyima. This is the second time that Gyaltzen has been arrested. He was arrested earlier in February 1997, after a raid in his monastery. A picture of the Tibetan National Flag with the inscription of "Tibet is an independent county" was discovered in his room. He was detained for over a month in the Qinghai PSB Detention Centre. During his detention, he reportedly suffered severe torture. Prison officials stubbed burning cigarettes on his face and deprived him of sleep for 15 days. Upon his release, his face and body had blisters and blue marks. Gyaltzen's friend, Sangye Tashi, was also arrested in early April 1999 on the same charges. However, Tashi was released after a week in detention. Gyaltzen is not yet sentenced, and is believed to be detained in Qinghai PSB's Detention Centre.

Sonam Phuntsok, Agyal Tsering, and Sonam Choephel. On October 24, 1999, officials of Kandze County PSB arrested three monks of Kandze Dhargye Monastery. Reports indicate that the Chinese authorities suspected Sonam Phuntsok of having "clandestine contacts" with the Tibetan Government-in-Exile. A 48 year-old respected and learned monk of Kandze Dhargye Monastery, Geshe Sonam Phuntsok, is a popular figure amongst the Tibetan community, monasteries in Tibet, and Tibetan government employees. However, the Chinese authorities regard him as an element of threat to the stability of the nation, because of his growing popularity and faith by the Tibetan people.

Agyal Tsering, lay name Agyong, is a 47 year-old monk. He was first arrested in February 1990 for allegedly printing and distributing leaflets calling for Tibet's independence. He pasted posters on the gates of Chinese official building in Kandze and later he visited Odoling City in Qinghai Province and pasted posters at prominent places. He was detained in Jyekundo (Ch:Yushu) "TAP" of Qinghai Province. He was sentenced to an 18-month term of "re-education"through-labour" without trial. Born in Jurenno village in Diwo township, Kandze County, he studied in People's School in Kandze for five years, and later joined Kandze Dargye Monastery. Sonam Choephel is believed to be the personal assistant of Geshe Sonam Phuntsok.

Jampel Rigzin, Jampel Tsering, and an unidentified monk, monks of Drepung Monastery were arrested on June 16, 1999 on suspicion of participating in independence activities. Reports indicate that Jampel Rigzin endured beatings and is in serious condition. He is currently detained in Gutsa Detention Centre. Jampel Rigzin (34), is originally from Dongkar village in Toelung Dechen County, Lhasa Municipality. Further information on the incident is not known.

Jigme Dawa, lay name Tsekhog Sonam, of Rong-Gonchen Monastery in Malho "TAP", was arrested on June 8, 1999, on charges of setting on fire the door of a monk who was suspected of being a Chinese informer in the monastery. Dawa, 33 years old, is from Shipsor township, Tsekhog County in Malho "TAP", Qinghai Province. Dawa allegedly set the fire on February 28, 1999, during a special prayer ceremony in the Monastery. After three days, a note was found pasted on the main hall of the monastery threatening the informer monk with dire consequences if he did not stop favouring the Chinese. The note read, " ... whatever happened now is nothing, in future nothing can be ruled out, even your life." Chinese authorities reportedly took the note for handwriting verification and concluded that Jigme Dawa had written the note. Dawa was arrested despite his repeated pleas of innocence. His room was searched at the time of his arrest by PSB officials who discovered some "political documents" including speeches of the Dalai Lama. Dawa's friends believe that he could not have done the crime, because his attendance at the prayer ceremony was compulsory. Dawa continues to deny his involvement in the alleged crime.

Legshe Tsoglam, a 21 year-old monk of Nalanda Monastery, was arrested in early April of 1999, for refusing to co-operate with a "patriotic education" campaign being conducted in his monastery. He was severely beaten when he was taken to Gutsa Detention Centre. He died just a few days following his release, on April 12, 1999.

Lobsang Choephel, a monk of Gyutoe Monastery in Lhasa City was arrested on his way to Ngachen (a place specifically set aside for an incense burning ceremony on the birthday of the Dalai Lama), in July of 1999. He was reportedly severely beaten by PSB officials. His sentence and whereabouts are unknown.

Lobsang Kunchok, lay name Choedar, a 23 year-old monk of Kirti Monastery in Ngaba County was arrested in April of 1999. Kunchok was arrested by Ngaba County PSB officials on charges of pasting independence posters around Ngaba County. The posters were calling for "Free Tibet" and "Long Live His Holiness the Dalai Lama." His room was thoroughly searched by the Ngaba County PSB, and he was detained in Ngaba CDC for three days. He was sentenced by the Barkham People's Court to five years' imprisonment, and taken to Barkham Prison in Ngaba "TAP" in Sichuan Province.

Namdrol (21) and **Phuntsok Legmon** (16) are two monks from Taglungdrag Monastery who were arrested on March 10, 1999, for staging a peaceful demonstration in the Barkhor area of Lhasa City. Despite the atmosphere of "martial law" the two monks called out from the crowd in the Barkhor "Tibet is Independent." Both monks were immediately arrested by security officials and taken to Gutsa Detention Centre. Namdrol, lay name Sonam Choedak, was sentenced to four years' imprisonment. Phuntsok Legmon, lay name Tseten Norbu, was sentenced to three years' imprisonment. Both the monks were charged with "endangering the state security" and are currently serving their sentences in Drapchi Prison.

Ngawang Samphel, a 33 year-old monk from Drepung Monastery, was arrested in early April of 1999 on "suspicion of political acts". This is the second time he has been arrested. Samphel was previously detained in Gutsa Detention Centre for taking part in a demonstration, on September 27, 1988. In early April 1999, officers raided Ngawang Samphel's room however, found nothing that could implicate him in any political activity. Nevertheless, Ngawang was arrested on grounds of suspicion of political acts. Since his arrest, no information has been available regarding his well-being or whereabouts.

Ngawang Tenzin, Gyaltzen Jangchub, Namdol Choedon from Taglungdrag Monastery were arrested on October 1, 1999 for staging a peaceful protest in Lhasa during the celebration of the 50th Anniversary of the founding of the People's Republic of China. Four monks participated in the protest, however, one was able to escape arrest. Ngawang Tenzin is 21 years old from Toelung Dechen County in Lhasa; Gyaltzen Jangchub is 21 years old from Nagartse County in Lhokha Prefecture; and Namdol Choedon is 22 years old from Nyemo County in Lhasa. The current whereabouts of the monks are unknown.

Ngawang Tsedup, alias Tenzin Wangyal, a 21 year-old monk from Taglungdrag Monastery who was arrested on August 20, 1999. During the Sixth National Minority Games, Tsedup dressed in lay cloths shouted "Free Tibet" on a stage built for cultural performances in front of the Potala Palace in Lhasa City. He was immediately arrested by the security police and taken to Gutsa Detention Centre. His current place of detention and sentence is not known.

Palden Choedon, a 25 year-old nun of Shugseb Nunnery in Lhasa was arrested in February 1999, while trying to escape to India. She was sentenced to one year imprisonment at Trisam Prison, a "re-education"through-labour" camp. Choedon is a former political prisoner, who had served time in Drapchi Prison after participating in a demonstration in Lhasa in 1990.

Penpa Tsering, and **two unknown monks** from Nemo Monastery were arrested on May 31, 1999 by PSB officials of Tso-toe township, Lhundrup County. The monks were arrested on charges of pasting "Free Tibet" posters on the gate and walls of the Tso-toe town government's offices. The three monks were accused of being the prime suspects and were later detained in Lhundrup CDC. It is not known whether the three monks are still detained in Lhundrup County or were transferred to Lhasa.

Sonam, Lhakpa, Pasang and Norbu are four monks from Sera Monastery arrested by the Religious Management Committee and the Sera Monastery Police Station. In January and February 1999, each monk was arrested separately, under "political suspicion". Sonam was arrested on January 18, 1999; Lhakpa was arrested February 11, 1999; Pasang was arrested on February 13, 1999; and Norbu was arrested on February 14, 1999. Sonam, Pasang, and Norbu have been released after spending four to five months at Gutsa Detention Centre. Lhakpa is still being held at Gutsa Detention Centre.

Tashi Tsering, a 39 year-old Tibetan farmer was arrested on August 26, 1999. During an "exhibition trade fair" organised by the "TAR" government in front of the Potala Palace, Tsering lowered the Chinese flag that was hoisted on the south-west side of the Potala Square, and attempted to replace it with the banned Tibetan flag. However, his actions drew the attention of the security police who came to arrest him. The PAP personnel confronted Tsering and smashed his head frequently to the ground, causing heavy bleeding. Tsering reportedly attempted to detonate an explosive device attached to himself; however due to wet conditions the explosives failed. His resulting injuries, after struggling for his freedom, required immediate hospitalisation. Tsering died in the first week of October 1999, while still hospitalised, due to the beatings he sustained at the time of his arrest. The Chinese government denies Tsering's death. According to Xu Mingyang, Executive Vice-Chairman of the "TAR" "the man who was arrested after an abortive attempt to detonate a homemade explosive is not dead." The Chinese government has not produced Tsering's body or formally charged him. Lhakdron, Tashi Tsering's wife, was arrested shortly after his arrest. Lhakdron, 39 years old, has been detained since August 1999, and her current condition and whereabouts is not known.

Tenzin, a 24 year-old monk of Kirti Monastery and teacher in Ngaba County Tibetan Middle School was arrested in January 1999 for decorating a picture of the Dalai Lama and possessing a Tibetan flag in his classroom by Ngaba County PSB. After being detained in the CDC for three months, he was sentenced to five years' imprisonment and was taken to Maowan Qing Autonomous County Prison.

Tsering Dorjee, a 26 year-old Tibetan teacher from Rebkong County in Malho "TAP" was working as a Chinese translator when he was arrested on August 15, 1999. Dorjee was charged with having assisted two foreigners, who were investigating a proposed World Bank project. Dorjee was released in September 1999, after being detained for one month.

Yeshe Yarphel, a 15 year-old boy from Nyari, was detained in late February 1999, on accusations of being a spy for the Tibetan Government-in-Exile. In 1991, Yarphel's parents sent him to Dharamsala to receive a proper Tibetan education in India. After studying in India for eight years, he left school in late February 1999 to look after his aged parents. The PAP arrested Yarphel shortly after he returned to Tibet, in late February 1999. He was taken to Nyari Detention Centre in Shigatse. He was released in late April 1999 after being detained for a total of two months.

Two monks and two nuns were reportedly arrested after chanting slogans in the presence of Chinese dignitaries during a cultural performance at the National Minority Games, in August of 1999. Their arrests are unconfirmed, and the names of the protesters and current whereabouts are not known.

Eleven monks of Kandze Dhargye Monastery were arrested on July 20, 1999, after the discovery of pro-independent slogans on the walls of the monastery. The eleven monks had allegedly written "free Tibet" in bold red letters with paint on the gates and walls of their monastery, and were charged with their inscriptions. The names of the monks, along with their sentences and place of detention are not known.

Eighty Tibetans were arrested during a peaceful demonstration that gathered over 3000 protesters from Kandze County. The demonstrations took place outside the Kandze County People's Government and Kandze Detention Centre, on October 31, 1999. The protesters demanded the release of **Geshe Sonam Phuntsok, Agyal Tsering, and Sonam Choephel**, who were arrested on October 24, 1999. Officials of PSB opened fire on the peaceful protesters, however, the figure of casualties is not known. TCHRD has received the names of five of the demonstrators: **Sonam Yeshe, Pema Phuntsok, Loga, Wangdak, and Wangdu**. All five men are believed to be detained at Kandze CDC.

Cases of Arrests from Previous Years

These cases of arrests have occurred prior to 1999, but the information of these arrests was not received by TCHRD until this year.

Lobsang Tsundrue, a 47 year-old nomad from Meldrogungkar was arrested sometime in June 1993. He was charged with hoisting the Tibetan National flag on the Gaden Wangpo hill in early 1993. He was sentenced to eight years' imprisonment at Drapchi Prison. Tsundrue was also arrested earlier in December 1989 for pasting posters calling for independence of Tibet around Ruthog township. At that time he was sentenced to three years and was imprisoned at a prison in Meldrogungkar County.

Ngawang and Nyima Tenzin are from Meldrogungkar, and were arrested in early June 1993 for pasting posters calling for the independence of Tibet. Ngawang is a monk from Dagpa Monastery and the elder brother of Kalsang Tsering, who was arrested on June 17, 1997 on the same charges. Tenzin is a monk of Pangsa Monastery. They were both involved in pasting pro-independence posters on the evening of May 31, 1993. Both were sentenced to eight years and are currently serving their sentences in Drapchi Prison.

Tinsang and five unidentified nuns from Choku Nunnery, Kyimshi, Lhoka Prefecture, were arrested in 1994 for pasting a Tibetan flag in their nunnery. Tinsang, 28 years old, was sentenced to seven years' imprisonment at Drapchi Prison.

Jamyang, a monk of Dzoge Taktsa Monastery in Ngaba "TAP", Sichuan Province was arrested in June 1995 by County PSB for painting a picture of mountains and decorating it in his room. Charged with "counter revolutionary" propaganda, Jamyang was detained in County PSB for 18 months without formal charges or trial.

Lo Tsundue, a lay man from Lhasa, was arrested in 1995 for screening a video on the Dalai Lama. He was sentenced to two years' imprisonment. Lo Tsundue had earlier participated in a Lhasa pro-independence demonstration. He had brought the tape from Lhasa to Lithang County, Kandze "TAP", Sichuan Province.

Segye and Chogdrup are from Meldrogungkar County in Lhasa City. Segye, 28 years old, and Chogdrup, 26 years old, were Gaden monks at the time of their arrest. They were arrested

for participating in a demonstration in 1995. Segye was sentenced to six years' imprisonment and Chogdrup to five years' imprisonment. Both are believed to be serving their sentences in Drapchi Prison.

Ugyen Tashi is a 50 year-old businessman in Lhasa City from Pashoe County, Chamdo Prefecture. He was arrested in 1995 under suspicion of a bomb blast that took place in June 1995. The explosion was an attempt to destroy the Friendship Highway pillar. He was sentenced to nine years' imprisonment at Drapchi Prison.

Dhargyal, Tsetan, Lobsang Woesser, Yeshe, and Sichoe Tsering are five monks of Gaden Monastery who were arrested in January and February 1996. They were arrested at different times for being members of the "Association of Tibetan Freedom Movement." Dhargyal, 28 years old, and Tsetan, 30 years old, were arrested in early January 1996; Lobsang Woesser, 28 years old and Yeshe, 30 years old, were arrested in February 1996; and Sichoe Tsering, 25 years old, was arrested in late February 1996. Dhargyal, Tsetan, Lobsang Woesser, and Yeshe were sentenced to five years' imprisonment and transferred to Drapchi Prison. Sichoe Tsering was sentenced to two years in Trisam Detention Centre. In September 1998, Lobsang Woesser fell ill in prison and was released on medical parole.

Gyaltsen Tenchoe and **two unidentified nuns** of Garu Nunnery in Lhasa were arrested in March 1996. Tenchoe and two other nuns were arrested after trying to escape Tibet. All three nuns were trying to evade the "re-education" campaign that was being imposed in their nunnery. They were detained for eight months without trial, and released in November 1996. Upon their release, all three nuns were expelled from Garu Nunnery.

Jampel Jinpa was arrested on July 20, 1996 on charges of carrying "counter revolutionary" books. Jinpa, 34 years old, from Sichuan Province was sentenced to one-year imprisonment and deprived of his political rights for an additional two years. He was reportedly released in August or September 1997.

Zaye Jigme, Shabdring, and Kunchok Choephel are three monks of Lhabrang Tashi Kyil Monastery in Sangchu County, Gansu "TAP", were arrested in 1996. The three monks were arrested for keeping booklets that were published in India. They were detained in Sangchu County Detention Centre for more than 12 months before being released. Choephel and Shabdring were released earlier than Jigme, who was badly tortured. Jigme's parents were charged a penalty of 2000 yuan for his activities, and he is reportedly crippled from the beatings he received.

Kalsang Tsering and **Kalsang Wangdu**, two monks from Pangsa Monastery, Meldrogungkar, were arrested in June 1997 for pasting pro-independence posters. Kalsang Tsering, lay name Gyagdro, is 20 years old; Kalsang Wangdu, lay name Kardro, is 21 years old. The posters first appeared in the monastery on June 1, 1997, and Wangdu was arrested on June 12, 1997; Tsering was arrested on June 17, 1997. Both men were sentenced to six years' imprisonment, and are currently being held in Drapchi Prison.

Phutsok Wangdu, Lobsang Ngawang and **their cousin** were arrested in February of 1997 from their house in Lhasa City. Wangdu, 30 years old, is from Taktse County in Lhasa City, and is a former monk of Gaden Monastery. In 1990, "work team" members visited his monastery to carry out the "patriotic re-education" campaign. During the "re-education" sessions, 18 monks, including Wangdu were expelled for criticising the "work team"

members and refusing to be "re-educated." On June 17, 1993, "TAR" PSB officers arrested Wangdu on suspicious grounds and detained him in Sangyip Prison. Wangdu had fled to India in 1990, and returned to Tibet in 1993 to visit his grandmother. In prison, he was subjected to severe beatings and was held there for a period of six months without formal charges. After six months, Wangdu was released with many conditions imposed upon him, including restrictions on his movements.

For about three years, Wangdu stayed in Lhasa. Then in February 1997, he was arrested at his house with his brother and 19 year old cousin. The three men were held in Gutsa Detention Centre where they were brutally beaten. In May 1997, he was singled out and taken to a police station west of Lhasa where he was severely interrogated and was made to confess crimes that he did not commit. In July 1997, he was charged with "espionage," on the grounds of "suspicion of instigating political activities". The Intermediate People's Court of Lhasa sentenced him to 14 years' imprisonment in June 1998. His brother, Lobsang Ngawang, and cousin were charged with "assisting a splittist clique" and sentenced to three years by the same court. Wangdu continues to be held in Gutsa Detention Centre as he appealed to the PRC for a re-trial.

Sonam Gyaltsen and **Damchoe** are from Chentsa County in Malho "TAP", Qinghai Province. In July 1997, Gyaltsen, 22 years old, and Damchoe, 30 years old, were arrested after Chinese officials discovered that the two men were wearing T-shirts imprinted with the Tibetan National Flag. Both were sentenced to two years "re-education" through-labour" in Trisam Prison.

Tsering, Kunga, and **Tenpa** were arrested sometime in 1997 for pasting material about the Tibetan Government-in-Exile on their school notice board. The three were detained and interrogated for one month before being released.

Gyaye Phuntsok is a 68 year-old teacher from Gyaye village, Chabcha County in Tsolho "TAP." In August 1998, the Qinghai PSB raided Gyaye's house and found documents and speeches of the Dalai Lama. Gyaye was immediately arrested and taken to Siling (Chinese: Xining) Prison. From August 1998 to July 1999, his whereabouts were unknown. TCHRD treated his case as an enforced disappearance and reported the incident on April 7, 1999. The Tsolho Intermediate People's Court sentenced Gyaye to six years' imprisonment in July 1999. Reportedly, Gyaye was released on medical parole in late August 1999 after enduring harsh treatment during interrogation.

Tsering Lhemar, lay name Lobsang Tsering, is a 27 year-old monk of Kirti Monastery. Lhemar was arrested in June 1998, for pasting posters protesting the "patriotic re-education" campaign, displaying a picture of the Dalai Lama, and portraying a picture of the snowlion in his room. Lhemar was released after being detained for two months.

Lhundrup and **Tenzin Kalsang** are two monks from Sog Tsendhen Monastery. PSB officials arrested both monks in October 1998, for pasting independent posters. They were originally detained in Nagchu Detention Centre, before they were sentenced. Lhundrup, 40 years old, was sentenced to three years' imprisonment, and is serving his sentence at Drapchi Prison. Kalsang, 50 years old, was released after being detained in Gutsa Detention Centre for nine months.

Increased Prison Terms Following Drapchi Protests

TCHRD has received confirmed information that the Chinese Intermediate People's Court of Lhasa has increased the sentences of eight Drapchi political prisoners following the protests of International Labour Day (May 1, 1998) and Youth Day (May 4, 1998). In a horrific display of power in May 1998, Chinese authorities opened fire at prisoners during a peaceful demonstration in Drapchi Prison. On May 1, all the prisoners were taken to a flag hoisting ceremony to commemorate the International Labour Day. A total of 900 prisoners were assembled. The prisoners were made to sing songs in praise of socialism and the Chinese national anthem. While the Chinese flag was being raised a non-political prisoner threw a bunch of political leaflets in the air and political prisoners yelled slogans, which led to a disruption of the ceremony.

On May 4, 1998, a similar function was organised to commemorate Youth Day. The Chinese flag hoisting was disrupted by a monk named Lobsang Geleg, who started shouting independence slogans. The PAP then forced all the prisoners back to their cells. Some of the other prisoners who heard the shouting started shouting and kicking the gates. A prison guard opened fire and a monk named Ngawang Sungrab was shot.

Ten deaths were reported as a result of the protests in Drapchi Prison. Two of them were shot dead, and eight others were tortured to death for taking part in the demonstrations. At least 60 prisoners had sustained severe injuries. Many were severely tortured following the demonstrations. TCHRD has received confirmed information that eight of the political prisoners have had their sentence increased, and two prisoners are missing.

Ngawang Sangdrol (commonly known as Rigchog) who was serving 17 years in Drapchi Prison, had her sentence extended for the third time in October 1998, by the Intermediate People's Court of Lhasa, bringing her total sentence to 21 years. She is the longest serving female political prisoner in Tibet. Sangdrol's sentence was increased by four years due to her participation in the May 1 and 4, 1998 protests at Drapchi Prison. Since the protests in May last year, Ngawang Sangdrol and another nun, Ngawang Choezom from Chubsang Nunnery, were subjected to harsh treatment and were placed in solitary confinement. Sangdrol was suspected as a "ring leader" by Chinese authorities and singled out for ill treatment. Sangdrol's prison sentence had previously been prolonged by the Intermediate People's Court of Lhasa in October 1993 and July 1996. Born in 1977, Sangdrol is now 22 years old. She was first arrested in 1987 when she was ten years old for participating in a demonstration, and was detained for 15 days. On August 28, 1990, at the age of 13, she again joined a demonstration led by nuns at the Norbulingka in Lhasa. She was considered too young to be tried at the time and was detained for nine months without charge. On June 17, 1992, at the age of 15, she was sentenced to three years for attempting to stage a demonstration in Lhasa along with other nuns from Garu Nunnery. She was then charged with "subversive and separatist" activities. While in Drapchi Prison, Sangdrol's sentence was extended by six years on October 8, 1993, on charges of "spreading counter-revolutionary propaganda." Along with thirteen other nuns, she was accused of recording independence songs and poems on a tape recorder and smuggling it outside the prison. In July 1996, her sentence was further extended by eight years for shouting "Free Tibet" while she and other nuns were made to stand in the rain as punishment for failing to clean their prison cells. Ngawang Sangdrol is due to be released in the year 2013 at the age of 36. By that time she will have spent 21 years of imprisonment.

Phuntsok Rigchog, layname Migmar, is a 37 year-old monk of Tashi Gang Monastery in Nyethang Town, Chushul County in Lhasa Municipality. On May 31, 1994, Rigchog and six

other monks from the same monastery were arrested for participating in a peaceful pro-independence demonstration in the Barkhor area of Lhasa City. The monks were detained in Gutsa Detention Centre until their sentences were passed. On November 12, 1994, the Intermediate People's Court of Lhasa sentenced Rigchog to six years' imprisonment. After the sentence, he was transferred to Drapchi Prison. His sentence has been increased by an additional four years after his participation in the May 1998 Drapchi protests. He is serving a total sentence of 10 years and is expected to be released in 2004.

Ngawang Ngonkyen, lay name Kalsang Phuntsok, is a 24 year-old monk of Tashi Gang Monastery. Ngonkyen was arrested in February 1994, after taking part in a peaceful demonstration in Barkhor, Lhasa City. He was detained in Gutsa Detention Centre for a year and ten months before being sentenced to six years' imprisonment in January 1996 by the Intermediate People's Court of Lhasa. After his sentence he was transferred to Drapchi Prison. In May 1998, he participated in the Drapchi Prison protests and had his sentence increased an addition four years. Ngonkyen's sentence totals 10 years.

Lhasang, a 23 year-old monk from Phenpo Gonsar Monastery, received an extra sentence of four years. He was originally sentenced to five years for political reasons in 1995. He is presently in Drapchi Prison serving a total sentence of nine years.

Passang, a 22 year-old monk of Taglung Monastery in Phenpo Lhundrup County, was originally sentenced to five years' imprisonment on political grounds in 1995. Passang had his sentence extended by an additional three years following the Drapchi Prison protests brining his total sentence to eight years.

Norbu Phuntsok, 22 years old, from Taglung Monastery in Phenpo Lhundrup County, had his sentence increased by an additional three years in October 1998 for his involvement in the Drapchi Prison protests. He was first arrested on political grounds and sentenced to five years' imprisonment in 1995. Phuntsok is currently serving a total sentence of eight years.

Wangdu, a 24 year-old monk of Dechen Sa-ngak Monastery in Taktse County, was originally arrested in December 1994 on political suspicions. He was sentenced to four years' imprisonment. Wangdu's sentence was prolonged by an additional four years for his involvement in the Drapchi Prison protests. He is currently serving an eight-year sentence in Drapchi Prison.

Chokyi Wangmo, a 23 year-old nun of Sharbumba Nunnery in Phenpo Lhundrup County had her prison sentence increased to an additional one and a half years. She was originally sentenced to five years in 1993 for taking part in a peaceful demonstration in Lhasa City. She is now serving a sentence of six and a half years in Drapchi Prison.

Political Prisoners Serving Ten or More Years

Tanak Jigme Sangpo is a 73 year-old former primary school teacher in Lhasa. He is the longest serving political prisoner in Tibet. By the time he is released in 2011, at the age of 85, Tanak Jigme Sangpo will have spent 28 unbroken years in prison with a cumulative total of 44 years. He was first arrested in 1960 on the charges of "corrupting the minds of children with reactionary ideas." In 1964, he was sentenced to three years' imprisonment in Sangyip Prison after opposing Chinese repression of Tibetans, and was later sent to a "reform-through-labour" camp in Lhasa. In 1970, he was charged with inciting his niece to escape to

India in order to report Chinese atrocities to the Dalai Lama, and was sentenced to ten years of hard labour in Outridu Prison (Sangyip). Sangpo was released in 1979 from the prison and transferred to "reform-through-labour" Unit 1 in Nyethang, 60 km west of Lhasa. In November 1983, at the age of 57, Tanak Jigme Sangpo was sentenced to 15 years' imprisonment for "counter-revolutionary propaganda and incitement." He was arrested for pasting a poster in protest of Chinese rule on the gate of Tsuglakhang Temple in Lhasa, along with wearing a white banner over his body to symbolise the "ultimate realisation of Tibetan people's freedom and independence." In 1988, Sangpo received an additional five-year prison sentence for shouting pro-independence slogans in jail. In December 1991, he was reportedly beaten for shouting slogans during a visit to Drapchi Prison by Swiss government officials, and was subsequently held in solitary confinement for at least six weeks. His sentence was again increased, this time by an additional eight years. He is currently serving his sentence in Drapchi Prison.

Ngawang Choephel, a 32 year-old Tibetan musician was reported missing in August 1995, a month after he travelled to Tibet, from India, to research traditional Tibetan music. After more than a year, the Chinese government admitted his detention. He was subsequently sentenced on December 26, 1996 to 18 years' imprisonment and four years subsequent deprivation of political rights, on charges of espionage for the Tibetan Government-in-Exile. In November 1998, it was reported that Choephel was transferred to the remote and high security Powo Tramo Prison in Pome County, Nyingtri Prefecture. Sonam Dekyi, Choephel's mother, has been campaigning for her son's release, and for the right to visit him in prison. The Chinese government has yet to respond to her appeals.

Lobsang Tenzin, a 32 year-old former student of Tibet University, was arrested on March 19, 1988. He was accused of being involved in the death of a PAP officer, during the demonstrations on March 5, 1988. Tenzin was sentenced to life imprisonment; however, his sentence was later reduced to 18 years. Since his incarceration in 1988, he has been granted only four visits, all of which took place before 1990. He is currently detained in Powo Tramo Prison, and his health condition is reportedly very poor.

Lodroe Gyatso, 39 years old, was a dance artist and three times weight lifting champion in Sog County, Nagchu Prefecture, "TAR" In April 1994, Gyatso was sentenced to 15 years after a fighting with a Tibetan known to be pro-Chinese, resulting in the other man's death. While in prison, Gyatso staged a one-man demonstration calling for Tibetan independence and distributing pamphlets and posters. He was taken to a torture cell where he was kicked and beaten when he refused to confess. News of the execution order against Gyatso was smuggled out by other prisoners and consequently the UN Special Rapporteur on Extra-judicial Summary or Arbitrary Executions made a special appeal to China on May 3, 1995. The Chinese response was that no execution sentence has been passed; rather that Gyatso's sentence was extended to an additional six years from May 18, 1995, and he had been stripped of his political rights for an additional three years bringing his total sentence to 21 years. The latest reports indicate that he was one of the participants in the May demonstrations in Drapchi Prison of 1998, and was subsequently transferred Powo Tramo Prison. He is believed to be suffering from mental problems due to the torture he received while imprisoned.

Ngawang Phulchung (lay name Anu), a monk of 38 or 39 years old from Drepung Monastery, had his sentence of 19 years' imprisonment announced at a public rally on November 30, 1989. He was accused of forming a "counter-revolutionary group" which had

"clandestinely" produced political leaflets from Drepung Monastery. Phulchung was arrested in April 1989 along with three other Drepung monks. Among the "reactionary literature" published by the group was a complete Tibetan translation of the United Nations Universal Declaration of Human Rights. On March 30, 1991, he was severely beaten and placed in solitary confinement for trying to hand over a petition regarding prison conditions to an American delegation visiting Drapchi Prison.

Rinzin Wangyal (alias Rinwang) is a 57 year-old, former cement factory worker. He was first arrested in 1966 or 1967 for allegedly organising an underground movement. He was imprisoned in Drapchi Prison where he was regularly tortured and interrogated by the prison authorities. He was released from Drapchi in 1982 or 1983. Wangyal was re-arrested in August 1995, suspected of being involved in a movement aimed at disrupting the anniversary celebrations for the founding of "Tibet Autonomous Region," which was to be held on September 1, 1995. Intermediate People's Court of Lhasa reportedly sentenced Wangyal on December 13, 1996 to 20 years' imprisonment. He is currently being held in Drapchi Prison. His wife Sonam, who is critically ill, has made repeated appeals to see her husband in prison fearing that she may die before seeing him. Her pleas have been ignored.

Atsak, Jampa Tenkyong, Jampa Lodroe, Pasang Tsegye, Tenzin Gelek, Yonten Gyalpo, Lobsang Wangchuk, Lobsang Dawa, Kunchok Dhondup, Phuntsok Dhondup, Tasang Norbu, and Yeshi Rabgyal, are monks from Gaden Monastery who were arrested on May 7, 1996. On May 7, 1996, the "work team" ordered the Gaden Monastery to take down all photos of the Dalai Lama. This order was met with strong protests from the monks who refused to follow the order. The protest resulted in a fight between the "work team" and the monks. In the scuffle, two Chinese police officials and two monks were injured. As the situation worsened, the monks ran up the hills surrounding the monastery, and in self-defence hurled down rocks at the Chinese officials. It is believed that two monks were shot dead, while over 41 were arrested in the ensuing police fire. Atsak, Phuntsok Dhondup, Lobsang Wangchuk, and Tasang Norbu were sentenced to ten years' imprisonment. Tenzin Gelek, Yonten Gyalpo, Lobsang Dawa, and Kunchok Dhondup were sentenced to twelve years' imprisonment. Yeshi Rabgyal, Jampa Lodroe, and Jampa Tenkyong were sentenced to fifteen years' imprisonment. Lobsang Dawa died at the age of 31 on May 20, 1999, due to the torture in prison. The remaining monks are serving their prison sentences at Drapchi Prison.

Chime Dorjee, Lobsang Palden, Lobsang Jinpa, Jampa Tashi, and Lobsang Tsegyal, were sentenced for "counter-revolutionary propaganda and incitements" by the Pashoe Intermediate People's Court. At about mid-night on March 29, 1994, the five monks from Serwa Monastery, went to the headquarters of the Lingkha District People's Government in Pashoe County. From the main gate of the headquarters, they removed the two nameplates, which were inscribed "Party People's Government" and "District People's Government" respectively. They broke the nameplates into pieces and threw the nameplate with the inscription "Party People's Government" to the ground. On the walls of the building they put up posters reading "May His Holiness the Dalai Lama Live for Ten Thousand Years" and "Tibet is an Independent Country." At the bottom of these posters, the monks put their names and thumb impressions with the remark, "We are from Serwa Monastery."

The monks then walked from Lingkha District to Pashoe County where they met Lobsang, the Party Secretary of Lingkha District. Lobsang was, apparently, on his way to inform the County authorities about the activities of the five monks at the Lingkha District headquarters. But at the moment of their meeting, the five monks demanded that Lobsang take them to the

County headquarters in his vehicle as they were going to stage a demonstration there. Lobsang felt he had no choice and let the monks in. When they were about to reach the County headquarters, the five monks put up posters on the walls of the government and military offices, saying "Tibet is an Independent Country," and began shouting slogans. With the five monks still in, the vehicle was then driven straight into the compound of the County PSB.

In order to make a public example of the monks, the five monks were kept in aerial suspension at the gate of the County PSB, tied only by their thumbs. During the interrogation, when the police demanded to know who among them led the slogan shouting, they all shouted in unison to claim the responsibility themselves. The five monks were tried and sentenced to twelve and fifteen year prison sentences. Chime Dorjee, Lobsang Jinpa, and Lobsang Tsegyal received a 15-year sentence, Jampa Tashi and Lobsang Palden were sentenced to 12 years. Chime Dorjee is serving his sentence in Drapchi Prison, and the others are serving their sentences in Powo Tramo.

Gyaltzen Dolkar, lay name Dawa, is a 28 year-old nun from Garu Nunnery. She was arrested on August 21, 1990 for shouting slogans of "Free Tibet" and "Chinese quit Tibet" during an opera festival in the Norbulingka Palace in Lhasa, along with 12 other nuns from the same nunnery. On November 30, 1990, Dolkar was sentenced to four years' imprisonment with one year's deprivation of political rights. In 1994, while serving her sentence, Dolkar and 13 other nuns recorded pro-independence songs and messages to their families on a tape recorder smuggled into Drapchi Prison. As a result she was charged with "spreading counter-revolutionary propaganda" and her sentence was extended an additional eight years. Dolkar is presently serving her sentence at Drapchi Prison. She will have spent 12 years' imprisonment by the time she is released at the age of 31.

Jampel Jangchub, lay name Yugal, is a 33 year-old monk from Drepung Monastery. He took part in pro-independence demonstrations in Lhasa in September 1987 and April 1989. He was arrested on April 16, 1989; however his sentence papers issued on January 7, 1990, states his official date of arrest as September 13, 1989. At a mass sentencing rally in Lhasa on November 1989, Jangchub was among a group of five Tibetans who received sentences of 17 and 19 years' imprisonment for independence activities. Jangchub was charged with 'espionage' and 'organising or leading/actively participating in a counter-revolutionary group,' advocating Tibetan independence. In 1989, Jangchub was sentenced to 19 years' imprisonment with five years deprivation of political rights. He is presently in Drapchi Prison.

Jigme Gyatso, 35 years old, was a businessman before his arrest. Gyatso was a monk of Gaden Monastery in Lhasa, before becoming a businessman. In the mid-1980s, Gyatso briefly visited India to receive a religious initiation. Upon his return to Tibet in 1987, he joined Gaden Monastery where he became involved in pro-independence activities. He distributed independence leaflets and pasted posters on the walls around Gaden Monastery and nearby Lhasa City. Between 1988 and 1989, Gyatso was the leader of a secret youth organisation named the "Association of Tibetan Freedom Movement." In 1992, he organised one of the demonstrations that took place in Lhasa. Many of the demonstrators were arrested and detained by the PSB and the officials of the anti-riot department. He was not arrested at that time although officials of PSB suspected he was involved and kept him under strict surveillance. Gyatso was finally arrested on March 30, 1996; however he was not formally tried until May 1997. During the trial, Gyatso accepted all the charges against him. The court

asked him if he regretted his deeds and he replied, "No, my acts are peaceful and non-violent." Gyatso was sentenced to 15 years' imprisonment on charges of "disseminating counter-revolutionary propaganda", "incitement", and having illegally formed the organisation called "Association of Tibetan Freedom Movement." Gyatso is currently serving his sentence in Drapchi Prison.

Jigme Yangchen, a 29 year-old from Lhokha Prefecture, was a nun at Shugseb Nunnery. She is currently serving a 12-year prison term in Drapchi Prison. On August 28, 1990, she was arrested for participating in a pro-independence demonstration in the Barkhor area in Lhasa City, along with 14 other Shugseb nuns. She was sentenced to seven years. While in Drapchi Prison, Yangchen was involved in a recording of songs and poems on a tape recorder smuggled into the prison. As a result, her sentence was extended by an additional five years on October 8, 1993; bringing her prison term to a total of 12 years. Jigme is reported to be in an extremely poor health condition.

Lhundrup Dorjee, Sonam Dorjee, Sonam Rinchen, and Kunchok Lodroe are farmers from Dasher, a village in the Medrogungkar district, disrupted a political "re-education" meeting in the village of Meldro Gyama Trikhang, Medrogungkar, on June 30, 1992. The four farmers rushed the stage, seized the microphone, wrestled with officials, shouted pro-independence and anti-Chinese statements, and unfurled a Tibetan flag. After the original four demonstrators were dragged away and beaten by the PAP, some 100 villagers joined the shouting. The Intermediate People's Court of Lhasa finally sentenced the four farmers on October 20, 1992. Kunchok Lodroe, Sonam Dorjee, and Sonam Rinchen, all 23 years old, were sentenced to 13 years' imprisonment and four years subsequent deprivation of political rights. Lhundrup Dorjee, 23 years old, was severely injured during the protest received a 15-year prison sentence and five years deprivation of political rights. Except for Kunchok Lodroe, who was released on medical parole in 1996, the other three remain in Drapchi Prison.

Lobsang Sherap, Lobsang Tsultrim, and Lobsang Tsering are three monks of Drongsar Monastery in Pashoe County, Chamdo Prefecture. They were sentenced to 15 years' imprisonment for breaking and pulling down the nameplate with the inscription "Pashoe People's Government" in Pashoe County and for putting up wall posters which read "We will never accept the boy chosen by Chinese authorities as the reincarnation of the late Panchen Lama, Long Live Panchen Lama reincarnation recognised by His Holiness the Dalai Lama and we will continue to oppose the Chinese rule in Tibet." PSB in Pashoe County and PAP first arrested the three monks on August 2, 1995. After their arrest, they were first imprisoned in Pashoe County Prison for one month. Later they were taken to Chamdo and incarcerated for an additional two months. After their sentencing, they were transferred to Drapchi Prison in Lhasa.

Namdrol Lhamo and Ngawang Choezom are from Chubsang Nunnery, and Ngawang Lochoe is from Samdrup Dolma Lhakhang Nunnery. The three nuns were arrested on May 12, 1992 and sentenced to six years (Lhamo) and five years (Lochoe and Choezom) in Drapchi Prison. In February 1994, all three nuns participated in recording Tibetan independence songs on a tape. On the tape, each nun announced their names and then dedicated a song or poem to their families, friends, or supporters. Lhamo had her prison sentence increased by an additional six years; making her total prison sentence 12 years. Lochoe's prison sentence was increased by an additional five years, bringing her total

sentence to 11 years. Choezom's prison sentence was increased by six years bringing her total sentence to 11 years. All three nuns are presently in Drapchi Prison.

Ngawang Choekey, a nun from Sumdrup Dolma Lhakhang Nunnery, is presently serving 13 years in Drapchi Prison. On May 14, 1992, Choekey and five other nuns were arrested for taking part in a demonstration the day before. All six nuns were sentenced to five years' imprisonment. They were detained at Gutsa Detention Centre, and then transferred to Drapchi after their sentencing. While in Drapchi Prison, Choekey and 13 other nuns recorded a tape of music for their families, friends and supports. The smuggled tape contained the nuns' names. Choekey's prison sentence was increased by eight years, bringing her total sentence to 13 years.

Ngawang Choephel, a 34 year-old monk, from Ghemo Monastery in Lithang County in Kandze "TAP", Sichuan Province, was arrested on August 20, 1993 and sentenced in 1996 to 10 years. Unconfirmed reports say he is detained in Lithang County Prison.

Ngawang Gyaltzen, lay name Ngodup Gyaltzen, a 40 year-old monk of Drepung Monastery is originally from Toelung Dechen County, Lhasa Municipality. He was arrested on April 22, 1989, on charges of participating in criminal activities, "engaging in espionage", and illegally crossing the national boarder. He was sentenced to 17 years with five years subsequent deprivation of political rights. He is currently serving his sentence in Drapchi Prison.

Ngawang Pekar, a 36 year-old monk from Drepung Monastery, was halfway through an eight year sentence when his prison term was extended by six years on March 31, 1996. In August 1995, while in Drapchi Prison, Pekar was caught trying to smuggle out a list of political prisoners and a document describing human rights violations. Pekar, who was first arrested on July 12, 1989 for putting up independence posters and participating in a demonstration, is now serving a total of 14 years in Drapchi Prison.

Ngawang Sungrab, a 27 year-old Drepung monk from Phenpo, is serving 10 years for his participation in a peaceful demonstration in 1991. He participated in the Drapchi protest in May 1998 and was shot by the prison officials, requiring hospitalisation. He was reportedly taken to the "TAR" military hospital in critical condition. It is believed that he returned to Drapchi Prison shortly after hospitalisation. On September 27, 1991, Sungrab along with three other monks from Drepung Monastery initiated a peaceful demonstration, marching from Lhasa Gamchung Restaurant to the front of Tsuklakhang (central cathedral) around 11 a.m. They carried the Tibetan National Flag and started shouting slogans like: "Tibet is a free country," "Chinese get out of Tibet," and "Long Live His Holiness the Dalai Lama." As soon as they reached the garden in front of the Tsuklakhang, 15 PSB officials arrested them and severely beat them. The four were later taken to the PSB Detention Centre in Lhasa where they were interrogated and tortured. Afterwards, they were transferred to Gutsa Detention Centre and detained for more than two months.

Ngawang Tensang, a 29 year-old monk from Drepung Monastery, Lhasa, was arrested on September 14, 1991 and sentenced to 10 years. He is presently in Drapchi Prison.

Ngawang Tsamdrol, from Nyengon Nunnery, along with five other nuns were arrested on May 14, 1992 for taking part in a demonstration the preceding day. The nuns were first detained at Gutsa Detention Centre, and then later transferred to Drapchi Prison after sentencing. Tsamdrol was sentenced to five years' imprisonment. While in prison, Tsamdrol

and 13 other nuns took part in recording a tape that was smuggled into the prison. The tape contained songs and poems dedicated to families, friends, and supporters. Tsamdrol's sentence was increased by an additional five years bringing her total prison sentence to ten years.

Ngawang Woesser, lay name Jamyang, 26 years old from Dranang County in Lhokha Prefecture, was accused of being the "main culprit" in an organisation called the Organisation of Ten, a "counter-revolutionary clique," and accused of spreading propaganda. Woesser was arrested on April 16, 1989 and sentenced to 17 years' imprisonment with five years deprivation of political rights. He is presently in Drapchi Prison.

Pasang, 22 years old, and three other monks from Jang Taglung Monastery in Lhundrup County, were arrested in November 1993. The four monks staged a demonstration in Lhasa carrying the Tibetan national flag and calling for Tibet's independence. The four went in a procession, circumambulating the Barkhor. The local police arrested them and handed them to the Lhasa City PSB. They were detained for five or six months in Gutsa Detention Centre. While in Gutsa, they were tortured, including having cold water splashed on their bodies during the cold winter and their bodies jabbed with electric batons. After their sentencing they were then transferred to Drapchi Prison. Except for Pasang, who was sentenced to 11 years, the details of the other sentences are not known.

Phuntsok Nyidron is a 30 year-old nun from Michungri Nunnery. She is currently being held in Drapchi Prison and serving a sentence of 17 years. She was first arrested on October 14, 1989 for leading a demonstration in Lhasa's Barkhor area calling for an end to Chinese occupation in Tibet. In an article published in the Tibet Daily, Nyidron was described as "the ringleader." She was given a sentence of nine years. In Drapchi Prison, she participated in the recording of songs and poems on a smuggled tape recorder. Her sentence was extended by eight years, bringing her total sentence to 17 years' imprisonment. In 1995, Nyidron was awarded the Reebok Human Rights Award.

Phuntsok Samten and a fellow monk from Tashi Gang Monastery were arrested on September 4, 1991 for participating in a peaceful demonstration. Samten was sentenced to ten years' imprisonment at Drapchi Prison. His friend was sentenced to five years and was released after completing his sentence.

Rinzin Choekyi, a 26 year-old nun, was arrested with five other nuns from Shugseb Nunnery, on August 28, 1990. The six nuns were arrested for participating in a peaceful demonstration at the Barkhor in Lhasa. The nuns shouted slogans of "Long Live His Holiness the Dalai Lama", "Free Tibet", and "Chinese quit Tibet" on the streets of the Barkhor. They were immediately arrested by the PSB and taken to a detention centre located east of Lhasa. There the nuns were severely beaten by the authorities, and routinely interrogated. During each interrogation period, the nuns faced humiliation, beatings, and punishments. The officials constantly harassed them, by asking them the same questions repeatedly while beating them. In January 1991, the Lhasa People's Intermediate Court sentenced Choekyi to seven years' imprisonment. In February 1993, while still in prison, Choekyi participated in the recording songs and poems on a tape smuggled into the prison. The recording expressed devotion to the Dalai Lama, and messages to families, friends, and supporters. Choekyi's sentence was extended by five years for this activity, bringing her total sentence to 12 years. She is currently in Drapchi Prison.

Sholpa Dawa, a 58 year-old tailor in Lhasa, was sentenced in November 1996, after spending almost 14 months in detention without charges. Dawa was arrested for the third time in Lhasa in early August 1995 for engaging in "political activities." Dawa was charged with handing three "reactionary" documents over to the "Dalai Clique," and sentenced to nine years' imprisonment and three years deprivation of political rights. Dawa was first arrested on September 29, 1981 and was sentenced to two years' imprisonment and one year deprivation of political rights for allegedly distributing pamphlets on the independence of Tibet. He spent six months in Gutsa Detention Centre and one and a half years in Sangyip Prison. On November 8, 1985 he was arrested for the second time for distributing pamphlets about the deteriorating living conditions for Tibetans and was sentenced to four years in Sangyip Prison and one year deprivation of political rights. By the time he is released, Dawa will have spent a total of 16 years in prison for expressing his views.

Sonam Dhondup and **Tseten**, monks from Nalanda Monastery were arrested in March 5, 1995 and sentenced to 12 years' imprisonment. Dhondup, then 21 years old and Tseten, 23 years old printed a booklet on Tibet and stitched a Tibetan national flag. Dhondup, Tseten, and two other monks went to a place called Thang to distribute the booklets. While they were there, Chinese officials overheard them talking about the distribution, and reported it to their supervisor. The next day, the officials raided the rooms of the monks and discovered the booklets and the national flag in Dhondup's room. Soon afterwards, some forty monks from Nalanda Monastery were arrested in connection with the printing and distribution of the booklets and thirty monks were expelled from the monastery. Dhondup and the other three monks were taken to Gutsa Detention Center, and during interrogation Dhondup said that he had taken the lead in the booklet distribution plan. As a result he was sentenced to 12 years' imprisonment in Drapchi Prison. Tseten was also sentenced to 12 years' imprisonment in Drapchi Prison. The other two monks were sentenced to six years.

Tenpa Wangdrak, lay name Sonam, a 53 year-old former monk of Gaden Monastery was sentenced to 14 years' imprisonment in 1991 for attempting, while in Drapchi Prison, to hand over a petition regarding prison conditions to James Lilley, then U.S. Ambassador to China. Wangdrak was originally arrested on March 7, 1988 for participating in a demonstration. On April 28, 1991 he was moved to Powo Tramo Prison in Pome County in Kongpo (Ch:Nyintri) Prefecture, and was held in Dhamchu, a unit within the prison complex.

Tenzin Thupten, lay name Dawa Yangchen, a nun from Michungri Nunnery, was arrested for participating in a short demonstration during the Shoton festival (Tibetan opera festival) along with eight nuns from Michungri Nunnery and five nuns from Garu Nunnery. Thupten was taken to Gutsa Detention Centre and sentenced to five years by the Intermediate People's Court of Lhasa before being transferred to Drapchi Prison. Thupten, along with 13 other nuns participated in the recording of songs and poems on a smuggled tape. Her sentence was increased by nine years making her total sentence 14 years.

Thupten Yeshi was detained on July 6, 1992, after security officers and legal cadres from Lhasa arrived in his village to search the houses of those individuals who had prior arrest convictions. Although he did not take part in a protest that year, he received a 15-year sentence and five years deprivation of political rights on charges of "cooperating with the demonstrators." Yeshi was formally arrested on August 14, 1992, for making three pro-independence posters that attacked the socialist system, opposed the socialist ideological education, and encouraged peasants to rebel. In June, Yeshi and a friend apparently discussed plans to hoist a Tibetan flag from the local government offices, offences that constituted

"spreading propaganda regarding incitement to revolution." Yeshe is presently serving his sentence in Drapchi Prison.

Yeshe Ngawang was a monk at Sungrabling Monastery in Chideshol in Lhoka Prefecture. On March 10, 1989, at the age of 21, Ngawang and five monks planned to put up independent posters to commemorate the March 10th uprising of 1959. The six monks wrote freedom slogans such as "Chinese get out of Tibet", "long live His Holiness the Dalai Lama" and "Free Tibet" on eight posters. They then pasted the posters next to the gate and surrounding walls near the office of the People's government of Kyimshe township. They also wrote freedom slogans with red paint on the gate. On March 15, 1989, while Ngawang and two other monks pasted three posters in the market place of Chideshol township, the other three monks kept watch for policemen patrolling in the night. Although they managed to get back to their monastery, a patrolman observed their activities. As a result, on March 17, 1989, Gongkar County PSB officials came to the monastery, ransacked the rooms of the six monks, and found all the instruments used to make the posters. Ngawang was arrested from his monastery on April 20, 1989, and brought before the Lhokha Intermediate People's Court on October 30, 1989. Ngawang and the other five monks were charged with "counter-revolutionary" propaganda, and sentenced to five years' imprisonment with three years deprivation of political rights. On April 20 1993, at the time of prison visits, Ngawang reportedly handed over an entire list of political prisoners and the prison conditions in Drapchi to his visiting family. Prison officials discovered his actions, and he was placed in solitary confinement for one month. He was charged with "leaking state secrets" and his sentence was extended by another nine years, bringing his total sentence to fourteen years. Ngawang is expected to be released in 2003. Torture in Prisons and Detention Centres

In 1986, the Chinese government signed the UN Convention against Torture and Other Cruel and Inhuman or Degrading Treatment (CAT) and ratified it in October of 1988. Since the Chinese government signed the convention, at least 69 Tibetan political prisoners have died as a direct result of maltreatment and torture. In 1999, 10 deaths due to torture were reported and six of them occurred this year.

Various forms of torture are commonly used to extract confessions and force prisoners to reveal the names of "accomplices," "organisations" or "foreign associates". The International League for Human Rights has noted, "torture and other types of mistreatment appear to be particularly common when such individuals are detained for several weeks or months without trial, and in the period prior to the filing of formal charges against prisoners who are prosecuted. In both instances, violence is used as an integral part of the interrogation process."

The methods of torture most commonly used include: beatings, shocks with electric batons on the face, genitals, soles of the feet or in the mouth, the use of handcuffs, shackle or rope to secure prisoners in positions deliberately intended to inflict pain, deprivation of sleep or food,

exposure to cold and being made to adopt exhausting physical postures, including standing for hours on end.

In 1998, Amnesty International, expressed their concern about the situation in Tibet stating that torture and ill treatment of detainees and prisoners held in detention centres, prisons and labour camps remained widespread, sometimes resulting in death. According to Physicians for Human Rights, the frequency of torture including psychological abuse, beatings, rape, use of electric cattle prods, and prolonged period of starvation suggest that torture is part of a widespread pattern of abuse. The Chinese authorities in Tibet also use torture as "a means of political repression, punishment, and intimidation."

Another form of torture inflicted on Tibetan prisoners is the denial of adequate medical care. The US Department of State, in its 1998 Country Report on Human Rights Practices in China found that "adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill."

Torture and other forms of ill treatment occur throughout the incarceration process: upon arrest, during transport to detention facilities, in detention centres and in prisons. The UN Special Rapporteur on Torture in 1997 expressed his concern to the Chinese government noting that he had continued to receive reports of the practice of torture was endemic to police stations and detention centres in Tibet.

Torture is commonplace for Tibetans imprisoned throughout Tibet, including Kham and Amdo (Chinese: Sichuan, Yunnan, Gansu and Qinghai Provinces). According to Human Rights Watch, "[p]rison conditions in Tibet, as in China, were said to be poor, frequently resulting in prisoners' ill-health. Some prisoners were also believed to have died as a result of punishment."

Minors detained in prisons and detention centres in Tibet are not exempt from torture. Beatings and other forms of abuse have been documented following their arrests.

International Law

Article 3 of the Universal Declaration of Human Rights guarantees:

Everyone has the right to life, liberty and security of person.

Article 7 of the International Covenant on Civil and Political Rights (ICCPR) proclaims:

No one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment ...

On October 4, 1988, China ratified the UN Convention against Torture and Other Cruel and Inhuman or Degrading Treatment (CAT). Article 2(1) of the convention states:

Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Article 22 (2) of the Standard Minimum Rules for the Treatment of Prisoners (SMRTP) stipulates that:

Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals ...

Despite these guarantees, China has not brought its national law into conformity with international law. The UN Committee against Torture has expressed concern about China's "failure to incorporate the crime of torture into the domestic legal system, in terms consistent with the definition contained in Article 1 of the Convention [CAT]." Torture has been and continues to be applied routinely and on a wide-scale throughout China.

The definition of "torture" in the CAT, is much wider in scope than "extortion of confession by torture", which is an offence under the Criminal Law of China. Amnesty International has expressed concern that "very few of the safeguards against torture provided in various international instruments are effectively available in China and that neither the methods followed for the investigation of allegations of torture nor the results of such investigations are made public."

All of the prisoners who died in 1999, died as a direct result of the actions of Chinese authorities. In the aforementioned cases, denial of adequate medical care was proceeded by torture and ill treatment.

Chinese Criminal Law

Torture is commonly employed against prisoners to obtain confessions, although Article 247 of the Criminal Law of the People's Republic of China stipulates:

Judicial workers who extort a confession from criminal suspects or defendants by torture. Or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under criminal detention ...

The Criminal Law provides imprisonment of up to three years for the torturer more if the victim suffers injury. There are no known cases of any "TAR" officials being prosecuted in connection with allegations of torture. Article 43 of the CPL repeats the prohibition of extortion of confessions by torture, threats, enticement, deceit or "other unlawful methods". The regulations on detention centres, which came into force in March 1990, provides that:

... beating and verbal abuse, corporal punishment and maltreatment of 'offenders' are strictly forbidden.

The revised CPL, which came into effect in October of 1997, outlaws certain forms of torture. The use of torture to punish, intimidate or coerce are still employed legally; although prohibited under international law.

The International Rehabilitation Council for Torture Victims (IRCT) observed that despite the imposition of laws barring torture by prison personnel enshrined in Article 14 of the 1994 Chinese Prison Regulations abuses continue. These abuses include: the extortion of confessions through torture, inflicting corporal punishment or maltreating prisoners, subjecting prisoners to indignity and beating up prisoners or failing to take action when other

people beat up prisoners. IRCT notes in the victims defence, that "if one looks at the Criminal Law, it is clear that not all these actions constitute crimes."

Torture Resulting in Death

In Tibet, prisoners are denied timely and effective medical attention. Reports indicate that conditions of prisoners often deteriorate due to harsh conditions or ill-treatment. Only when the prisoner's conditions become critical do they receive medical attention, and often there is very little chance for recuperation. In documented cases, authorities have released prisoners on medical parole rather than have them die while in detention or in prison; thereby attempting to avoid responsibility. TCHRD has 69 deaths since 1987, which have occurred in prisons or immediately after release from prison, either in hospitals, or at the victim's residence. The injuries leading to the victims' death were caused by the torture they received while in prison.

The most recent case of torture in Tibet is **Tashi Tsering** (39) who died in the first week of October 1999, due to beatings sustained at the time of his arrest. Tashi Tsering was arrested within minutes of lowering the Chinese flag and attempted to replace it with a Tibetan flag on August 26, 1999 in front of the Potala Palace during the National Minority Games held in Lhasa. He reportedly had an explosive device attached to his body, which failed to explode due to the wet weather. PAP personnel reportedly confronted Tsering and smashed his head frequently to the ground, causing heavy bleeding. While the PAP was taking him to Trisam "Reform Through-Labour" Camp, they beat him further. Officials in Trisam refused to admit him due to his condition. He was immediately moved to a hospital for treatment but was unable to recover from his injuries.

Sonam Wangdu, alias Shugden, a 44 year-old trader, died in late March 1999, at his residence in Lhasa. He died as a result of the torture and maltreatment he suffered while detained in Gutsa Detention Centre and Drapchi Prison. Sonam Wangdu was arrested in April 1988 for his alleged involvement in the killing of a Chinese policeman during a violent crackdown of a Tibetan demonstration on March 5, 1988. He was initially detained in Gutsa Detention Centre. There he was severely tortured resulting in permanent internal injury. Sonam Wangdu was beaten with electric cattle prods and his legs and feet were manacled for a period of six months. He was kept suspended from a tree for five days, and put in solitary confinement for one week. He had his head forced into a bucketful of water and had blood forcibly extracted from him. As a result of severe torture his kidney was damaged and his back was broken. Consequently, he suffered urinary damage and he became paraplegic. In 1993, he was released from Drapchi Prison on medical parole.

Death of Torture Victims Due to Denial of Medical Care

The Chinese government claims that prisoners are accorded the medical treatment necessary in their daily lives. According to the Chinese White Paper on Human Rights, "the state covers their living and medical expenses ... All prisons and 'reform-through-labour' institutions are staffed with an appropriate number of doctors; in professional medical institutions, medical facilities and hospital beds are set aside in prisoners' exclusive service; on an average, there are 14.8 hospital beds for every thousand prisoners, and those critically ill are sent to hospitals outside the prison for treatment or, on approval, may seek medical treatment on bail according to law. Prisoners' needs for medical care are guaranteed." However, most deaths occur due to torture and maltreatment followed by lack of medical care while in detention or

in prison. After release, former prisoners are responsible for their own medical expenses. There have been reported cases of individuals having to repay authorities for the cost of living while imprisoned and medical expenses incurred as a result of torture.

Norbu, a 22 year-old monk from Nalanda Monastery was arrested by "work team" members on February 25, 1995, after a crack-down following resistance by monks to the "patriotic re-education campaign." During interrogation in Gutsa Detention Centre, PSB officials accused him of hiding political documents and tortured him. He was released in February 1996 on medical parole, though during detention he was denied medical attention. For a period he was admitted to the "TAR" People's Hospital; however, treatment expenses were a drain on his family's resources and health was not improving. Norbu died in March 1999, almost three years after his release.

Phuntsok spent two years in Drapchi Prison from 1995 to 1997. He died two years after his release at his residence on September 2, 1999. His death was caused by liver failure, due to torture while in prison. Phuntsok was released after the completion of his prison term in September 1997. From 1997 to 1999, he sought medical treatment but failed to recover. Phuntsok was arrested on September 9, 1995, when security officials found "pro-independence" documents in his home. Phuntsok is a former monk of Taglung Monastery in Phenpo Lhundrup County.

Twenty-one year-old **Legshe Tsoglam** was detained in Gutsa Detention Centre in early April 1999 after refusing to cooperate with a "patriotic re-education campaign" at Nalanda Monastery. According to a reliable source now in exile, Legshe Tsoglam was severely beaten when he was taken into detention. As a result he became "ill and weak." He died on April 12, 1999, only days after his release.

In late 1998, one of Tibet's most well-known activists, **Hor Lobsang Tsundue** died in Drepung Monastery, Lhasa. He had served 21 years and nine months in prison. Former inmates claimed that Lobsang Tsundue suffered immensely from torture in prison. He was kept in solitary confinement more than five times, once for six weeks. In 1991, Hor Lobsang became unconscious after PAP officials hit his back with rifle butts. Since his release from prison, his health never improved.

Lhadar, a 25 year-old political prisoner died while in Lithang PSB Detention Centre, according to Jamyang Dhondup who arrived in Dharamsala, India in January, 1999. Lhadar was arrested on August 20, 1993 for distributing posters calling for the independence of Tibet around his monastery in Lithang County. Lhadar was reportedly tortured severely by prison officials. He died one month after his arrest in the detention centre. His arms and legs were manacled at the time of his death. Refugees from Lithang who arrived in 1994 stated that, "for two days, Tibetans refused to take custody of Lhadar's corpse from the prison because the Chinese authorities refused to give satisfactory explanation for his sudden death." According to them, there seemed to be little doubt that the Chinese police were "totally responsible" for Lhadar's death.

In July or August of 1997, **Geshe Choephel**, the head lama of Sungrabling Monastery, was instructed by officials of the Justice Department (Chinese: sai fa ting) under the leadership of Khampa Chodrak, to order his students to follow the "re-education" program being instigated at his monastery, but he refused. After one particularly intensive four-day period of "re-education", he was taken back to his home in Kyimshe village in Lhokha Prefecture and

severely beaten by the police. According to another source, he was taken back to the police station at Kyimshe and beaten there. He was detained in the police station for fifteen days. He became very sick and as a result of this injuries he died on September 24, 1998. He was approximately seventy-one years old. People who witnessed the sky burial have said his finger bones were broken.

Article 38 of the Chinese Constitution states:

The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.

There are confirmed reports of Tibetans being detained for crimes they did not commit. These detainees are then subject to harsh treatment and some have died as a result.

Chimey Rinzin, 23 years old, was arrested in 1997 in lieu of his father, who had been evading arrest after being accused of committing the murder of a Chinese man. Prison officials, reportedly with a hope that his father would turn himself in to rescue his son, arrested Rinzin. He was held in Ngaba Prison. He was tortured when he failed to disclose the whereabouts of his father. He reportedly suffered from brain damage due to severe torture. When he was released in April of 1997, his health had deteriorated, and before he could exit the prison compound he died. After his death, his fellow inmates sent a message to his family, but prison officials refused to hand over his body.

Forced Labour and Forced Exercise

Torture during imprisonment in Tibet manifests itself in the form of forced labour and forced exercise. On a daily basis, prisoners must fulfil work quotas and perform military drills, regardless of their physical condition. Forced exertion for prolonged periods of time in the form of military-style drills has been practiced regularly in Drapchi Prison since 1995, and reports indicate that only the very old or very sick are exempt from this treatment. Prisoners in weak and unhealthy state are known to have suffered a severe decline in their health following forced over-exertion. Following are two such cases:

Ngawang Jinpa, alias Lobsang Dawa, from Gaden Monastery was arrested on May 6, 1996 for participating in a protest at his monastery. After his arrest, he was detained at Gutsa Detention Centre for eight months where he was severely beaten. According to Legshe Drugdrak, a Nalanda monk from Phenpo Lhundrup County who shared a prison cell with Ngawang Jinpa, "when Ngawang first arrived in Drapchi he was in a very weak condition. Despite this, the prison officials continued to torture him and forced him to work." In March 1999, Ngawang's health grew so poor that the officials took him to "TAR" Military Hospital near Sera Monastery, where he was diagnosed with brain damage. The doctors extracted fluid from his spine, a painful procedure that is performed to treat elevated intra-cranial pressure, a condition that can result from repeated blows on the head. Jinpa's condition was so hopeless that the Chinese authorities released him on medical parole on March 14, 1999. Ngawang later died in his hometown on May 20, 1999. He was 31 years old at the time of death.

Phuntsok Gyaltzen, a monk serving a twelve-year prison sentence in Drapchi Prison in Lhasa, was reportedly seriously ill and incapacitated, suffering from liver and stomach ailments as a result of sustained beatings received in the prison. Despite the state of his

health, he is allegedly being forced to perform prison labour such as; digging ditches, emptying toilets and cultivating vegetables. He is in need of urgent medical attention.

Reports of Torture in Prisons and Detention Centres

TCHRD has documented a variety of torture techniques used against Tibetan detainees and prisoners including: aerial suspension, hand and foot cuffs, electric shocks, exposure to extreme temperatures, attack by dogs, sexual assault, shocks and electric cattle prods applied to sensitive parts of the body, including the genitals and mouth, long period of solitary confinement, urinating in the victim's mouth, forcing victims to watch torture videos, keeping victims standing long periods of time and deprivation of food, water and sleep. These acts are all classed as torture under the United Nations Convention against Torture to which China is a State Party. This convention defines torture as "any act by which severe pain whether physical or mental, is intentionally inflicted on a person."

Tibetans have also reportedly been tortured and subjected to other forms of physical abuse because of their non-violent conduct in prison. These non-violent activities include: reciting mantras, protesting treatment of other political prisoners, showing allegiance to the Tibetan Government-in-Exile and the Dalai Lama and failing to comply with Chinese prison "re-education".

Gyaye Phunstok from Gyaye village in Chabcha County, Tsolho "TAP" was sentenced to six years' imprisonment in July of 1999. He was reportedly released on medical parole between July and August of 1999 after being tortured during interrogation. The Qinghai PSB arrested Gyaye Phuntsok in August of 1998. Recent reports indicate that Phuntsok was interrogated for eight days after his arrest. Throughout this time, he was kept standing and was denied food and sleep. After this harsh treatment his feet swelled and he had to use crutches to walk. While in prison, he was denied any medical treatment. His family has incurred all medical expenses since his release resulting from his maltreatment while in prison. He has been admitted into Chabcha People's Hospital.

Ngawang Sangdrol from Garu Nunnery and **Ngawang Choezom** from Chubsang Nunnery have been subjected to harsh treatment and placed in solitary confinement for their involvement in the May 1 and 4, 1998 protests in Drapchi Prison. Prior to this incident, Sangdrol's condition has deteriorated due to severe torture and her right leg has been seriously injured. Reports in August 1996 indicate that Sangdrol was being held in a dark, windowless confinement at Drapchi Prison, receiving small amounts of food only twice a day and was manifesting signs of mal-nourishment. Her cell-mate, Lobsang Dolma, who spent five years in Drapchi Prison with her, reported that she has had longstanding kidney problems but has received inadequate treatment. In addition, she has been made to do work while ill.

Ngawang Kyonmey, a 28 year-old monk from Drepung Monastery, originally from Toelung Dechen County was arrested in early September of 1998 on suspicion of conspiring to hand over a letter to Mary Robinson, the UN High Commissioner for Human Rights, who visited Tibet in October of 1998. He is being held in Gutsa Detention Centre, although the charges against him have not been filed. Unofficial reports indicate that Kyonmey's body reveals the distinct marks of severe beatings, which evidently took place during interrogation by prison officials who used violence and torture to obtain names of the other Tibetans allegedly involved in the preparation of the letter.

Kalden, a 34 year-old monk from Dagkar Tral-Zong Monastery was arrested in December of 1998 and detained for six months in Xining Prison. He was reportedly released on medical parole with broken ribs in May of 1999. "Kalden presently is undergoing medical treatment in Tsolho Tibetan Hospital," reports Tsultrim a 22 year-old monk from same monastery who arrived in Dharamsala on October 18, 1999. He was arrested on charges of donating a sum of 18,000 yuan to the Tibetan Government-in-Exile. Tsultrim stated that "while in prison he received severe beatings during interrogation. Prior to his arrest, Kalden was healthy and well built; however, after his return from prison he appeared weak and feeble with two broken ribs. He now walks with the aid of crutches". In addition, Kalden was reportedly severely beaten with an electric baton and indiscriminately kicked and punched, resulting in the aforementioned injuries. For five days he was deprived of water and sleep. The authorities have released Kalden, possibly for the fear of his death while in detention. He is currently being treated in Tsolho Medical Hospital.

Yonten Tharchin, 27 years old of Baku town in Tongde County, Tsolho "TAP", Qinghai Province was detained in January 1996. He was held for six months in Tsolho Prison after he was found entering Tibet without valid documents. After staying in India for five years, Tharchin was returning to Tibet when the Chinese army detained him and seven members of his group for 17 days at Dram near the Tibetan border. During his detention, he was forced to wash clothes and cut firewood for the army. While in Tsolho Prison, he was found possessing audio cassettes of speeches of the Dalai Lama. As a consequence he was tortured and forced to stand facing a wall with his hands stretched upwards while his armpit hair was pulled hard. Once he was badly beaten after he was found reciting prayers in his prison cell, and prison guards warned him that "this is not the place for you to recite prayers." His current condition is unknown.

On May 4, 1998, **Thupten Kalsang**, a 25 year-old monk from Lo Monastery, who is serving a five-year sentence in Drapchi Prison was beaten by twelve prison guards after protests in the prison. On the morning of May 5th, he was beaten again, and severely wounded. His condition became so critical that he was released on medical parole on May 15, 1998. He was treated for his injuries, but remains in critical condition.

Lobsang Tenzin, a 33 year-old former student of Tibet University was sentenced to death with a suspension of two years. However, due to international pressure, his sentence was commuted to "life" in March 1991. He was subjected to severe beatings after he took part in political protests in Drapchi Prison in May 1998. He was also involved in an incident where he attempting to pass a letter to the visiting US Ambassador, James Lilley in 1991. He was transferred to Powo Tramo Prison following the incident, where he was reportedly forced to perform hard labour despite his poor health. According to a source who had seen Lobsang Tenzin while in Powo Tramo, he could not stand upright and was unable to carry out prison labour duties. The deterioration in his health was due to the effects of torture, poor prison conditions and lack of medical attention.

Prisoners are often not allowed contact with family and friends, through visitation or correspondence. There are reported cases where prisoners have died, become seriously ill, or transferred and their relatives have not been notified.

Norzin Wangmo, was 16 years old at that time of her detention, is a former Shugseb nun who spent five years in Drapchi Prison. She escaped to India on November 27, 1999. Wangmo and seven other nuns were arrested on December 9, 1993 for demonstrating in front

of the Central Cathedral (Jokhang) in Lhasa. At the time of the arrest, security personnel and policemen beat them with rubber cords. Wangmo was hit hard on her right eye, resulting in permanent optic damage. The nuns were taken to Gutsa Detention Centre where they were kept in solitary confinement and interrogated individually. They were detained in Gutsa for eleven months where they were interrogated at least twenty times. While they were detained, none of the nuns were allowed to receive visitors. Wangmo was beaten with a wooden plank and given shock treatments with an electric baton. After eight months of detention and interrogation, the nuns were tried in the "TAR" Intermediate People's Court on September 10, 1994.

Conclusion

Torture in Tibet is endemic in every stage of the incarceration process. The Chinese government privately sanctions these actions and has inadequate safeguards to protect the rights of Tibetans accused of crimes. Tibetans continue to die at an alarming rate from torture and continue to be denied adequate medical care.

The function of torture seeks to break the physical and moral resistance of an individual. In the collective dimension that torture takes on in the case of Tibet the attempt is also to defeat the collective spirit of a people resisting unjust spirit of a people resisting unjust domination. While the past year has revealed a continuance of such use of force, it also shows that the resistance is continuing in Tibet.

Religious Persecution

The Chinese government is conducting a deliberate and systematic campaign which is eroding the foundations of Buddhism in Tibet. Monastic institutions, the traditional centres of Buddhist activity, have come under assault since May 1996 with the inception of the "Strike Hard" campaign. Throughout Tibet, monasteries and nunneries have been visited by "work team" conducting "patriotic re-education" campaigns aimed at forcibly repressing support for the Dalai Lama, the Panchen Lama, and Tibetan independence. The impositions caused by the "work team", along with restrictions imposed by the Chinese government denies Tibetans their guaranteed right to freedom of religion.

Control of monastic institutions has been usurped by the CCP further endangering traditional Buddhist practices through the imposition of Democratic Management Committees (DMC). The U.S. State Department reports that, "the Government ... retains management control of the monasteries through the government-controlled DMC and the local Religious Affairs Bureau. In April 1996, regulations restricted leadership of management committees of monasteries to 'patriotic and devoted' monks and nuns and specified that the government must approve all members of the committees."

The official goals of this campaign are to crack down on crime and corruption; but the activities of the Chinese "work team" in Tibetan religious institutions indicate that the true targets are the "splittists", or those individuals who support Tibetan freedom and the Dalai Lama. There has been widespread resistance and resentment in monastic institutions in response to this campaign. As a result, 11,409 monks and nuns are known to have been expelled from their monasteries and nunneries since 1996. This figure includes 1,729 nuns and 9,952 monks.

In 1999, TCHRD has received information of the expulsion of 1,432 monks and nuns from their monasteries or nunneries and 49 monks and nuns who have been arrested for refusing to accede to "work team" members' instructions.

In addition to the disruption of religious activities and forceful "re-education" of monks and nuns in all religious institutions in Tibet, China has banned Tibetans from celebrating purely religious ceremonies including the Monlam Chenmo (Great Prayer Festival), as well as other religious festivals that are viewed as promoting local nationalism. A European Union Delegation which visited Tibet in May of 1998 reported that, '[a]uthorities in the TAR exercise extremely tight control over the principle elements of Tibetan religion and culture.'

Repression of religion in Tibet is not linked to any particular dislike of Buddhism by the Chinese authorities. Rather, Chinese hostility against religion stems from a fear of (Tibetan) national unity, as religion is one of the most constituting aspects of Tibetan national and cultural identity. The very essence of Tibetan Buddhism and its major components, including the role of Dalai Lama have become an object of criticism and are directly attacked by Chinese officials. In January 1999, the Chinese government launched a three-year "atheism" campaign aimed at eroding support for Buddhism, and the Dalai Lama in Tibet. This further jeopardises Tibetan's right to freedom of religion.

International Law

Article 18 of the Universal Declaration of Human Rights (UDHR) states:

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

Freedom of religion is also protected under Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed 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 culture, to profess and practice their own religion, or to use their own language.

Denial of Religious Freedom

The Constitution of China provides for freedom of religious belief as one of the fundamental rights of its citizens (Article 36). The Chinese Criminal Law stipulates that government officials who deprive citizens of religious freedom may be sentenced up to two years in prison. However, government authorised campaigns to restrict religious practices in monasteries and nunneries are common and widespread in Tibet. The CCP is tightening its control of religious institutions through DMC's and "work team"; consequently, monks and nuns are consistently denied the freedom to freely practice their religion.

In its first annual report on religious freedom, the U.S. Department of State describes a deliberate pattern of religious persecution of the Tibetan people by the Chinese government. "[T]hose activities viewed as vehicles for political dissent, such as religious manifestations

that advocate independence or any form of separatism (which are described as 'splittist'), are not tolerated and are promptly and forcibly suppressed."

Despite these charges, Chinese authorities deny having deprived Tibetans of their freedom of religion. China's Foreign Ministry spokesman Sun Yuxi stated, "Nobody has been arrested or detained because of religious beliefs. If religious believers are arrested, it is not because of their religious beliefs but because they have taken part in criminal activities." The Chinese government allows limited religious beliefs and activities so long as the policies of the Chinese government are not challenged, Tibetans pledge allegiance to China, denounce the Dalai Lama, and oppose all form of separatism. Despite this limited tolerance of "purely" religious activity, regulations imposed including age and monastic capacity limits, along with management control by non-religious authorities (DMC's) are threatening the survival of Buddhism in Tibet.

The "Strike Hard" campaign which was launched in May 1996 in "TAR" by the Chinese government is still being executed by the local authorities in all religious institutions. This campaign had been extended to the "TAP" in 1997 and 1998, and to lay communities in 1999, by sending "work team"" to the village and town levels. The campaign "work team"" identify, expel and arrest dissident monks and nuns, and ensure that party principles prevail over Buddhist doctrines. According to the Chinese government, religious belief in Tibet should conform to the policies of the CCP and the state, and above all, loyalty to China is required.

When a "work team" conducts "patriotic re-education", monks and nuns are required to spend a majority of their time studying political propaganda, thereby infringing on their ability to practice their religion. Religious activities have been disrupted in all monasteries where the "work team"" have made visits. By December 1999, TCHRD has documented 261 religious institutions where "work team"" visited since the launch of "Strike Hard" campaign.

Restrictions have been imposed in the admission of monks and nuns in the religious institutions. Monks below the age of 18 and above 50 are expelled from the religious institutions. Once expelled from the monastery they are not allowed to rejoin any religious institutions in Tibet. The age limit further denies the rights to religious freedom of Tibetans. The forcible retirement of monks and nuns above the age of 50 threatens the survival of Tibetan Buddhist tradition as senior religious people play a pivotal role in the transmission of religious teachings.

Arrests of Monks and Nuns

Forty-nine arrests of monks and nuns were reported in 1999 in connection with the "patriotic re-education" campaign in various religious institutions in Tibet. Since the commencement of the campaign in April 1996, 541 arrests have been documented. These "crimes" have included: pasting posters around monasteries advocating independence, failure to denounce Dalai Lama and Panchen Lama, and opposing the "work team" members' "patriotic re-education" campaigns. The details of these arrests for the year 1999 are included in the Political Prisoners and Prisoners of Conscience chapters of this report. Brief summaries follow:

- **Geshe Sonam Phuntsok**, along with two other monks, Agyal Tsering and Sonam Choephel from Kandze Dhargye Monastery were arrested on October 24, 1999 by ?

officials of the Kandze County PSB. Sources within Tibet report that the Chinese authorities suspected Sonam Phuntsok of having "clandestine contacts" with the exiled Tibetan government. The current whereabouts of the three monks are unknown.

- On July 20, 1999, PSB officials arrested eleven monks from Kandze Dhargye Monastery after discovering pro-independence slogans on the walls of the monastery. The monks were charged with inscribing "Tibet is Independent" in red paint on the gates and walls of the monastery. Their identities and place of detention are unknown.
- **Three monks** of Nemo Monastery were arrested on May 31, 1999 by PSB officials of the Lhundrup County. The monks were arrested on charges of pasting "Free Tibet" posters on the gate and walls of the Tso-toe town authorities' offices.
- **Dakpa Gyaltzen**, 24 years old and Sangye Tashi, from Rong-Gonchen Monastery were arrested in April 1999 on charges of distributing pictures of the Dalai Lama.
- "Work team" members arrested four monks from Sera Monastery in January and February 1999 on suspicion of involvement in political activities critical of Chinese government.
- **Lobsang Kunchok**, 23 years old, alias "Choedar", a monk from Kirti Monastery, in Ngaba County was arrested in April 1999 on the charges of pasting pro-independence posters around Ngaba County.
- **Ngawang Gyurme**, 30 years old from Drepung Monastery was arrested in 1998 on charges of distributing pamphlets calling for Tibetan independence. His room was searched after an argument with the "work team" members and the documents were discovered.
- In March 1998, **ten nuns** from Drayib Nunnery in Taktse County, Lhasa Municipality, were arrested by PSB officials for raising objections when a "work team" ordered them to denounce the Dalai Lama. One of the nuns, **Tenzin Dolma**, aged 22, who escaped into exile and reached Nepal on May 12, 1999, reported that they were kept in Taktse County Prison for four days and later taken to Seitru Detention Centre where they were interrogated and detained for two months. The arrested nuns were beaten for two days during interrogations. They were released in the end of May 1998.
- **Tsultrim**, a monk of Ragya Monastery was arrested in 1998 for bringing five political books from India which discussed the freedom of Tibet. He was detained for seven days and later released after paying a fine of 15, 000 yuan.
- **Two monks** were arrested from Tawu Nyitso Monastery in June or July of 1998 when a thirteen-member "work team" visited the monastery to conduct a "patriotic re-education" campaign. **Dakpa**, a 23 year-old monk, was arrested on suspicion of pasting political posters in the monastery.
- **Lobsang Tsering**, alias 'Tsering Lhemar' of Ngaba "TAP", is a 27 year-old former monk of Kirti Monastery. In June 1998, as a result of pasting posters protesting the "patriotic re-education" campaign, he was detained for an unknown period of time. Lobsang was also found hanging a picture of the Dalai Lama with an inscription "Tibet is an independent Country." According to recent refugees from ? Kirti Monastery, Tsering's whereabouts are still unknown.
- **Five monks** of Samdrup Monastery, Kandze County in Kandze "TAP", were arrested following the visit of a ten to fifteen member "work team" in the beginning of 1996. It is not known whether the arrested monks continue to be held in detention. Their identities remain unknown.

- Four monks from Dolma Lhakang Monastery, Chusul County, were arrested in 1996 and detained for one month. They are **Jampel Choesang, Riga Phuntsok, Sangpo** and **Tsultrim Gyaltzen**.

Work Team Visits and Expulsion of Monks and Nuns

Reports of at least 46 monasteries and nunneries visited by Chinese "work team" members were recorded in 1999. Some visits had been made in earlier years but the information was received only this year. Several monasteries have been revisited by Chinese "work team" to further "discipline" and "regulate" the behaviour and thoughts of monks and nuns.

In 1999, TCHRD has recorded 1,432 expulsions of monks and nuns from various religious institutions in Tibet. Of these, 196 were nuns and 244 monks and nuns were below the age of 18. An additional 156 monks and nuns have left their religious institutions voluntarily unable to withstand the repressive "re-education" campaigns. Since the start of the "Strike Hard" campaign, 11,409 expulsions have been recorded.

Arig Gaden Choephelling Monastery in Arig township, Chuchen County in Sichuan Province was visited by work team" members on September 23, 1997. The officials stayed for forty-five days. Arig is the largest Gelugpa Monastery in that prefecture housing approximately 250 monks, but at present it is reported that the monastery has only thirty monks.

Samten Tsering, a 19 year-old monk of Awam Monastery, reported the arrival of a ten-member "work team" in his monastery in May-June of 1997. They stayed for four months and conducted "re-education" sessions. The monks were ordered to denounce the Dalai Lama. However, the monks refused and as a result the duration of the "re-education" was raised from three months to four in an attempt to persuade the monks to accede to the demands of the "work team".

A former monk from Bora Monastery in Sangchu County, Gansu "TAP" reported that "work team" officials visited the monastery in July 1998 and May 1999. During their first visit, they conducted "re-education" meetings and issued Identity Cards to 310 out of the 350 monks in the monastery. The officials collected 10 yuan from each of the monks for the cards. The remaining 40 monks were between 60 and 70 years old and were expelled from the monastery. At present there are 285 monks in the monastery. In total, 66 monks were expelled from the monastery. **Sonam Choephel**, a 20 year-old monk, left his monastery voluntarily and he reports that all the 108 monasteries in the Sangchu County were visited by the "work team".

Chamdo Jampaling Monastery in Chamdo, "TAR" was repeatedly visited by a "work team" since July 1996. In March 1999 "work team" officials visited the monastery, disrupted prayers and announced that those monks who had earlier travelled to India would be expelled. In 1996, the monastery had about 1,800 monks. Currently there are 1,100 monks and it is reported that 800 of them were issued with Identity Cards; a permit that allows them to stay in the monastery. An official order has been circulated decreeing that those without the permits are deprived of monastery rights and are prohibited from conducting religious prayers in lay houses. It is reported that the "work team" still continues to visit the monastery twice a month.

Choekhor Monastery in Sershul County, Kandze, "TAP", Sichuan Province, was visited by a six-member "work team" in July 1997. According to a former monk of this monastery, 20 year-old **Tenpa Thaye**, the monks were given "political education" and later an "examination". Monks were also asked to give their signatures as an acceptance of the instructions. Those who tried to resist the "work team" members were threatened with expulsion. The "work team" issued ID cards to 100 monks. Approximately 40 monks were later expelled from the monastery for refusing or ignoring the instructions of the "work team".

Choelung Nunnery in Taktse County, Lhasa, was completely destroyed during the Cultural Revolution; however it was later reconstructed with the help of local Tibetans after 1990 and 130 nuns entered this nunnery. Ten "work team" members came to the nunnery in the July 1997 and stayed three months conducting "patriotic re-education" sessions. The officials distributed "political" booklets and demanded that the nuns denounce the Dalai Lama. The nuns tore the documents and refuse the orders. As a result, thirty additional officials were called to the nunnery and each nun was interrogated individually. After two months of "re-education", the nuns were required to write down a political "pledge" which denounced the Dalai Lama and "splittism". During the three months of "re-education", twenty nuns from the nunnery were expelled after refusing to agree with "work team" instructions. Twelve nuns voluntarily left the nunnery in protest of the demands of the "work team". Chinese officials informed these nuns that they were not allowed to go anywhere out of their villages and seek work unless they obtain permission from the "village-head" and county authorities. They were restricted from performing or attending any "religious" services. At present, there are ninety nuns in the Choelung Nunnery.

Darthang Monastery in Chigdril County, Golog "TAP", was visited by "work team" members three times from the summer of 1998 to January 1999. In total, 78 expulsions of monks have been recorded. Out of 1,100 monks, only 300 monks were issued the required residential passes. The 800 monks who were denied residential permits will likely be forced to leave.

Dechen Sa-Ngang Monastery is in Taktse County in Lhasa Municipality. Ten monks were expelled for refusing to comply with "work team" orders, reports Jamyang Lodoe, a 20 year-old former monk of the monastery. Prior to the visit of "work team" officials, the monastery had 60 monks. Chinese "work team" officials from Trika County visited the monastery twice in May and September 1998. On their first visit, three officials stayed in the monastery for five days. They distributed "re-education" books and documents to the monks and meetings were called twice a day during which monks were instructed to: oppose "splittist's", to accept the Chinese selected Panchen Lama, and to be patriotic. The authorities also banned pictures of the Dalai Lama. A five-member "work team" visited the monastery again in September 1998. This time they stayed for one month. The monks were individually examined and ordered to write their opinions on the "re-education". The monks were threatened with "dire consequences" if they tried to avoid the examination. Despite the threat, Rabgyal, 23 years old and Lobsang Tashi, along with eight other monks refused to comply with the instructions. The ten monks were subsequently expelled from the monastery. Currently there are approximately 50 monks who were issued with the permits to remain in the monastery.

Eleven "work team" members (one Chinese and ten Tibetan) arrived in **Dharyul Nunnery** in Phenpo Lhundrup County on May 14, 1998. Nuns were instructed to agree with the "work team" "re-education." However, the nuns refused to comply with their instruction to oppose

"splittism" and the Dalai Lama. The officials later called on the parents and relatives of nuns in the nunnery and ordered them to advise the nuns to agree with their points. Their parents were threatened with the confiscation of their farming lands if the nuns did not comply with their instructions. The officials also warned that both parents and nuns would be arrested and imprisoned.

A "work team" arrived in Dhondupling Monastery in April 1996. This monastery is the largest in Kongra Chus of Dechen County in the Yunnan province.

Ditsa Monastery, (Tsoshar "TAP"): A former monk of this monastery has reported that earlier this year a "work team" told him and other monks of the monastery that if they did not oppose the Dalai Lama then they would be expelled from the monastery.

A seven-member "work team" visited **Dongru Monastery** in Ngaba County, Ngaba "TAP", Sichuan Province on December 4, 1998 to conduct "patriotic re-education" sessions. Monks between the ages of 18 to 50 years were required to obtain an Identity Card. It is feared that if these monks are expelled from the monastery, then only 30 of the 170 monks will remain. No reports have been received following the December 16, 1998 revisit by the seven-member "work team".

Lobsang Namkha, a 25 year-old monk of Dong-thok Monastery in Karok township in Kandze "TAP", reports that a "work team" came to his monastery for the first time in 1997. In May-June of 1998, a mass meeting was organised in Karok township and around 300 monks and nuns from five different monasteries and nunneries of the Kandze County were required to attend. The "work team" warned them that any disobedience or protest would be met with punishment as well as expulsion. It was also announced that no new monks would be admitted in any monastery or nunnery in Kandze County above the limitation set by the "work team" members. As a result of the interference in the religious workings of Dongthok Monastery, Lobsang Namkha decided to leave the monastery in October of 1999.

Dragkar Trel Dzung Monastery is in Tahopa township in Chabcha County, Qinghai Province. There are 380 monks in the monastery. 50 officials from five different townships came to the monastery on May 7, 1997. Of the 50 officials, thirty stayed until August 1997 and twenty stayed until May 1998. Intensive "re-education" sessions were held three times a day. A monk named Tsogyal left for pilgrimage to Kumbum during the "re-education" and the "work team" officials announced that Tsogyal was expelled from the monastery and was not allowed to return. Of the 380 monks in the monastery the "work team" have imposed a limit of 150 monks that can stay in the monastery. 60 monks were forced to retire from the monastery.

A six-member "work team" visited **Dranang Monastery** in autumn of 1998. They stayed in the monastery for two weeks, conducting "re-education" sessions. Monks were instructed to denounce the Dalai Lama and oppose those who advocate for the independence of Tibet. The officials collected and banned pictures of the Dalai Lama. This monastery had seventy monks, but only forty were issued permits to remain. The remaining thirty monks were expelled from the monastery.

On March 20, 1998, thirty officials from Taktse PSB visited **Drayib Nunnery** in Lhasa Municipality "TAR". According to a former nun, **Tenzin Dolma**, of the 150 nuns, only five aged nuns were permitted to stay, the remainder being expelled. The expulsion took place

when the nuns, who were in Lhasa for pilgrimage during the Tibetan New Year, refused the PSB's order to return to their nunnery. Later the nuns refused to oppose the Dalai Lama during "re-education" sessions. It is reported that the officials completely destroyed the nunnery and looted the wooden pillars and window frames.

Dolma Lhakang Monastery in Chushul County, Lhasa Municipality, was visited by a "work team" on August 8, 1997. Twenty-three monks, including twenty monks below the age of 18, were expelled.

Sixteen monks were expelled from **Duptae Monastery** in September 1998 following the "re-education" campaign imposed by a six-member "work team" from Driru County in Nagchu Prefecture. The rest of the monks in the monastery were allowed to stay in the monastery but were not issued ID cards.

"Work team" members visited **Garu Nunnery** in Lhasa, "TAR" in 1997 to conduct "patriotic re-education" sessions. Eight "work team" officials stayed in the nunnery for approximately six months. Possession of the Dalai Lama's picture was strictly forbidden. There are reportedly 60 nuns in the nunnery but no reports of expulsion have been received. **Phuntsok Yangchen** (28), voluntarily left the nunnery with **Phuntsok Yangdrol** and **Phuntsok Kusang** when the "work team" first visited the nunnery in early 1996.

In July of 1998, a ten-member "work team" came to **Gonsar Monastery**, located in Jhangkar township in Lhundrup County in Lhasa Municipality. There were twenty monks in the monastery when "work team" officials came to conduct the "re-education" campaign. The "work team" ordered the monks to oppose the Dalai Lama. The monks refused, and the "work team" expelled all of the monks and shut down the monastery. The monks were restricted from joining any other monastery.

A five-member "work team" visited **Goeylung Nunnery** in Driru County, "TAR" in April 1998. "Work team" officials ordered removal of all pictures of the Dalai Lama and ordered nuns to write letters criticising the Dalai Lama. Expelled nun **Kunchok Sangmo** (32), reached India in early 1999 and reported that there were 60-four nuns before the arrival of the "work team". The officials expelled fifteen nuns below the age of 18 and set a limit of forty-nine nuns in the nunnery. Subsequently, thirteen nuns have left the nunnery voluntarily.

A twenty-member "work team" arrived at **Gyuto Monastery**, Lhasa, in 1996. The officials were from Lhasa PSB. Of the 130 monks in the monastery, ten monks left voluntarily at the time of "re-education" session.

In June 1998, a three-member "work team" visited **Gyamo Monastery** in Sangchu County and remained for two days. On the first day, a meeting was called during which the "work team" denounced the Dalai Lama and instructed the monks to accept the Panchen Lama selected by Chinese government. On that day, the "work team" imposed a ceiling of 300 monks in the monastery and announced that novice monks below 18 years old will not be allowed to remain in the monastery. **Samdrup**, a former monk reported that his monastery has around 500 monks. He left the monastery on July 12, 1998. While Samdup was in Lhasa, he learned that in August 1998, another "work team" had visited the monastery and expelled all seventy monks below the age of 18.

Jha Khyung Monastery is the biggest monastery in Bayan Khar Hui Autonomous County in Qinghai Province. An eight-member "work team" came to the monastery in the summer of 1998 and stayed for one month. Before the arrival of "work team", there were 500 monks in the monastery. The officials visited for the second time in autumn of the same year. There were eighty "work team" members and they stayed in the monastery for fifteen days. 200 monks were expelled for disagreeing with the "work team" officials. Some of those expelled are below the age of 18.

"Work team" officials visited the **Kandze Monastery** in June 1998. There are around 600 monks in the monastery. Ten officials visited the monastery twice a week to conduct "patriotic re-education" sessions. Monks were forced to study books and those who did not attend the meetings were punished. Monks were ordered to oppose the Dalai Lama and all photos of the Tibetan leader were confiscated. Currently, no expulsion has been reported.

"Work team" officials visited **Khanang Tso Monastery** in Jyekundo, "TAP" in April 1998. A former caretaker of the monastery, who arrived in Nepal in December 1998, reports that of the 315 monks, only seventy-five have been issued "permits" to remain in the monastery. The status of the remaining 240 monks is unknown.

Khapshong Monastery had 250 monks before the arrival of a six-member "work team" in 1996. 50 novice monks who were below the age of 18 were immediately expelled. The officials later set a limit of 225 monks.

Kharchu Monastery is in Lhodrag County, Lhokha Prefecture, "TAR". Between July and August of 1996, a four-member "work team" from Lhoka Prefecture conducted a "patriotic re-education" campaign in the monastery. The "work team" remained at the monastery for three months. The officials appointed a new DMC and new regulations were established overseeing management of the monastery. Approximately one month after the "work team" left the monastery, **Lama Namkhai Nyingpo**, a monk from Bhutan came to perform teachings. During his stay at the monastery, his photo was displayed, but was removed after his departure by Chinese officials. Religious scriptures he had distributed were also confiscated.

Kirti Monastery is the largest monastery in Ngaba County, Ngaba "TAP", Sichuan Province. In March 1999, the monastery received orders to expel monks below the age of 18 and above the age of 50. This provoked protests from the monks, but opposition was forcibly repressed by the PAP. Since the beginning of 1999, "work team" members have called the PAP forces on three different occasions to control the monks. There are currently around 2,300 monks in Kirti Monastery. If the forced depopulation is enforced, it is estimated that only about 600 monks will remain.

Khangmar Monastery in Khangmar County, Shigatse Prefecture, "TAR" was visited by seven-member "work team" on August 17, 1998. There were around 120 monks in the monastery at that time. The "work team" banned pictures of the Dalai Lama and instructed monks to denounce him. However, the abbot of the monastery along with all the monks protested against the officials and refused to denounce the Dalai Lama. The officials have announced that only 60 monks can remain in the monastery.

Lhamo Dechen Monastery is located in Chentsa County in Malho "TAP", Qinghai Province. A thirty-member "work team" came to the monastery between May and July of

1998. They stayed in the monastery for one month. During their stay they distributed books opposing the Dalai Lama and the "splittists," and called for the "unity of the motherland." They visited the monastery again in August and September of 1998 with twenty-five "work team" members. They distributed the same documents as the previous visit. The expenses of the "work team" were borne by the monastery. After the Tibetan New Year of 1999, around thirty "work team" members came to the monastery. A former monk who left the monastery in May 1998 reports that fourteen monks were expelled and when he left, only seventy-five monks remained. Before the arrival of the "work team", there were approximately 200 monks in the monastery. Ninety monks left the monastery voluntarily to avoid further harassment from the officials.

Eighty-five monks were expelled from **Menpa Dratsang** (hostel) of **Lhabrang Tashikyil Monastery** in Sangchu County, Gannan "TAP." There are around 2000 monks in six hostels (Tib: dratsang) of the monastery, and only 1200 of them are registered with the local Religious Affairs Bureau. A twenty-member "work team" visited the monastery in April 1998 and set a limit of monks in all the hostels. In Menpa Dratsang where there were 150 monks, the officials set a limit of 60-five monks and expelled the remaining eighty-five monks. The "work team" members stayed in the monastery for four months.

Five nuns were expelled from **Lhundrup Choeling Nunnery**. There were fifteen nuns prior to the arrival of "work team" members. The officials set the minimum age limit, and expelled all those under 18 years old.

A sixteen-member "work team" visited **Meeru Monastery** in Driru County, Nagchu Prefecture "TAR" in April 1998 for five months. Four novice monks below the age of sixteen were expelled. In addition, two monks (**Rinzin Tsewang** and **Ngawang Tenzin**) were also expelled.

In 1998 a "work team" visited **Mewa Monastery** to conduct "re-education" meetings. They found pictures of the Dalai Lama in some of the rooms and ordered the monks to take down the pictures. Since the recognition of the Panchen Lama by the Dalai Lama in 1995, Chinese officials have periodically visited the monastery to conduct "re-education" sessions.

According to a monk from **Minthang Monastery** in Golok "TAP";, a six-member "work team" came to the monastery in August of 1998 to conduct "re-education" sessions. The monks were compelled to take part and ordered to denounce the Dalai Lama.

"Work team" members visited **Moendrup Choete Monastery** in Shigatse, "TAR" in early 1996. **Sangpo Gyaltzen**, a 20 year-old monk, was reprimanded for possession of a picture of the Dalai Lama. He was fined 5,000 yuan for arguing with the "work team" members and was subsequently expelled from the monastery. Another monk voluntarily left the monastery.

Chinese officials visited **Nyag-Raes Nunnery** in Golog "TAP" in 1997 and ordered the nuns to support the Chinese selected Panchen Lama.

A six-member "work team" visited **Nyerong Monastery** for six months, beginning in February 1999 as part of the "patriotic re-education" campaign. Rather than accede to the demands of the "work team", twenty-two of the twenty-five monks escaped to their homes or fled into exile. Chinese officials later banned all religious activities in the monastery. At present there are only three monks left in the monastery.

Pekarthang Monastery is in Mepa village, Rebkong County, Malho "TAP", Qinghai Province. Prior to the visit of the "work team", this monastery had 60 monks. In March 1996, a 15-member "work team" from three levels of the government: regional, prefecture and county, visited the monastery and conducted a "patriotic re-education" campaign. In July 1997, the "work team" members returned to the monastery. Further intensive "re-education" was given to the monks. They stayed at the monastery for fifteen days and made several violent attacks on the monks. The monks above the age of 18 were made to sit for an "entrance test", and the twenty monks below the age of 18 were expelled. The "work team" members also announced that those who failed to give satisfactory answers would be expelled. Two monks failed the entrance test and were expelled. In June 1998, an eight-member "work team" visited the monastery for the third time and stayed for twenty days. This time the "patriotic re-education" was conducted even more seriously. The monks were made to sit for another political test whereby the answers were already prepared: the monks just had to select the "correct" choice. The questions included opposing the Dalai Lama. The monks were compelled to sign the answer sheet upon completion, but they refused and made excuses about being sick and illiterate. The "work team" members ordered the DMC of the monastery to have the monks sign the exams.

Phenpo Gyaltoe Monastery in Phenpo Lhundrup County, Lhasa Municipality was visited by a seven-member "work team" in 1996. Eleven of the 60 residential monks were expelled from the monastery.

Photrang Monastery is in Pelbar County, Chamdo Prefecture, "TAR". Soepa Senge, a monk from the monastery, reports that a three-member "work team" came to the monastery to conduct a "patriotic re-education" campaign in 1997. At that time, there were 50 monks at the monastery. The "work team" ordered the monks to pledge allegiance to the Chinese appointed Panchen Lama. Only twenty monks were allowed to remain at the monastery. All monks below the age of 18 were expelled.

Ragya Monastery in Machen County in Golog "TAP" was visited four times by "work teams" in October 1998 and April, May, and July of 1999. In October 1998, a forty-member "work team", (including ten Tibetans), came to the monastery. At the time, the monastery had 480 monks. The "work team" ordered monks below 18 years of age to leave the monastery; however no pressure was imposed, and few left. All photos of the Dalai Lama were removed and the monks were ordered to accept the Panchen Lama appointed by the Chinese government. An exam was conducted by the "work team" in the monks did not respond according to the wishes of the authorities. The "work team" returned on April 26, 1999 and conducted the examination again. On their last visit in July of 1999, the officials imposed a ceiling of 160 monks in the monastery.

Nuns from **Rating Samtenling Nunnery** in Phenpo Lhundrup County in Lhasa Municipality, have been subjected to "re-education" campaigns since July 1998. "Work team" officials searched all of the nun's quarters and compelled them to sign political pledges denouncing the Dalai Lama and accept the "unity of motherland." The nuns' refusal to sign the pledge resulted in a two-month extension of the "re-education" sessions. The nuns' contact with their family members was restricted, and they were not allowed to visit their homes. Eighty nuns who refused to comply with the instructions were subjected to further restrictions and were forbidden to attend any religious sessions. Fourteen nuns were expelled, leaving 105 nuns in the nunnery.

Rong Gonchen Monastery, in Rebkong County, Malho "TAP", was visited by a forty-four member "work team", beginning in March or April of 1997 and lasting for seven months. The "re-education" sessions were conducted for 2-3 hours daily. During the sessions, monks were required to denounce the Dalai Lama as a "splittist" and to accept the Chinese appointed Panchen Lama. The monks were also required to "appreciate the progress of religious and political rights of the Tibetan people since Communist China's rule," and to recognise that Tibet is a part of China. At the time, the monastery had over 500 monks. These were divided into twelve different groups with three officials assigned to each group. After each session, the monks were forced to sign a pledge denouncing the Dalai Lama. Twenty-five monks were expelled from the monastery for defying officials' orders and others left voluntarily. Currently, there are 400 monks in the monastery.

Samo Monastery was visited by a seven-member "work team" on August 18, 1999. The "work team" members banned pictures of the Dalai Lama. Four out of the fifteen monk of the monastery were expelled when photos of the Dalai Lama were discovered in their rooms.

A month before the occasion of the 50th anniversary of the founding of the PRC, leaflets calling on Tibetans to lay down their lives for the "freedom struggle" were pasted on the flagpoles of Sera Monastery in Lhasa City, "TAR". In reprisal, Chinese authorities deployed additional troops into the monastery to prevent "disturbances" on the National Day. The authorities warned that 60 monks would be expelled from the monastery. Currently, thirty monks have reportedly been expelled.

On June 12, 1996, "work team" officials expelled four monks below the age of 18 from **Shelkar Choede Monastery** in Tingri County, Shigatse Prefecture. There are currently thirty-eight monks in the monastery.

In **Shugseb Nunnery** in Lhasa City "TAR", fifteen nuns below the age of fifteen were expelled by "work team" members who arrived in March of 1997. "Work team" officials forced the remaining nuns to oppose the Dalai Lama. There are currently 200 nuns in Shugseb Nunnery, and only 120 nuns have been granted the necessary permit to remain.

A seven-member "work team" visited **Sok-Tsang Monastery** in Dzoge County in Ngaba "TAP", Sichuan Province in December 1997. They distributed two books entitled "The Law of People's Republic of China" and "Denunciation of Dalai Lama." The monks were threatened with expulsions for failure to learn the contents of the books within a month's time. The officials visited the monastery monthly to conduct oral tests. There are presently 200 monks in the monastery and no report of expulsions.

Tawu Nyitso Monastery in Tawu County in Kandze "TAP", Sichuan Province was visited by a thirteen-member "work team" in June or July of 1998. The "work team" expelled two monks (Nyima Dhargay and Jampa Tenkyong) for refusing to accept the Chinese appointed Panchen Lama and for failing to denounce the Dalai Lama. One monk (Dolho) voluntarily left the monastery.

In June 1998, eight County and Province officials visited **Tsang Monastery** in Arik village, Sogpo Mongol Autonomous County, Malho "TAP", Qinghai Province for approximately one month conducting "patriotic re-education" sessions. The monastery was required to pay all expenses of the "work team". The officials introduced a limit of 300 monks. The minimum

age for admission into the monastery was set at 18 years. Currently, seven monks have been expelled.

Tse Pak Lhakang Monastery in Meldrogungkar County, Lhasa City, was visited by a "work team" in May 1998. One monk (Norbu) voluntarily left the monastery, because he did not want to undergo the "re-education."

Terdhon Choegyal Ling Monastery in Chamdo County, "TAR", was visited by a "work team" in May 1998. They remained for three and half months, during which time forty of the 60 monks were expelled. The "work team" forbade the monks from practising all the major religious activities of the monastery.

Theckchen Jangchup Choeling Monastery in Thang Karmo, Tsonub "TAP", Qinghai Province was visited by a "work team" from September to October 1997. All monks above 18 years old were issued resident "permits". They are approximately 100 monks below the age of 18 who may be expelled.

Tsamkhung Nunnery in Chabcha County, Qinghai Province was visited by a "work team" in 1997. The nuns were ordered to oppose and denounce the Dalai Lama. A nun was expelled for refusing the "work team" orders.

Wasi Monastery in Chamdo County, "TAR" was visited by a "work team" which came and took pictures of all the monks. The "work team" forbid the monastery from keeping pictures of the Dalai Lama. This report was received in 1999.

A former monk of **Woeser Monastery** in Chamdo County, "TAR" reports in 1999 the arrival of a "work team" to his monastery. He does not remember the date. The "work team" stayed in the monastery for one month, and all related expenses were incurred by the monastery. He states that monks below the age of 18 are expected to be expelled. There are fifteen monks below that age. The source also mentions that there are approximately twenty monasteries in that area and all these monasteries have been visited by the "work team".

Younging Monastery in Gonlung Tu Autonomous County in Tsoshar "TAP" was visited by a "work team" in April 1998. Forty-nine monks above the age of 60 were forced to retire, sixteen monks below the age of fifteen were expelled and the resident population of the monks in the monastery was set at 192 monks. This report was received in 1999.

In April 1998, an eleven-member "work team" visited Lhartse County, Shigatse Prefecture to conduct the "patriotic re-education" campaign in the monasteries and nunneries of the county including: **Kundhen Nunnery, Shengkhang Lhaka Monastery, Sharchen Monastery and Lhatse Chatae Monastery**. All the monks and nuns were instructed to assemble in Lhatse Chatae Monastery and were ordered both to denounce the Dalai Lama and to call for the unity of the motherland. A nine-member "work team" visited Khundhen Nunnery in May 1998. Officials threatened the nuns with expulsion for failure to learn the documents on "opposing the Dalai Lama" and "Chinese sovereignty over Tibet". The nuns were forbidden from engaging in any religious activity except for "reading and learning" of the "work team" documents. Two nuns left the monastery because of the impositions of the "work team". The officials left the nunnery after three months of intensive "re-education". All the "work team" expenses, including their food and accommodation were borne by the nuns. Four or five members continue to visit the nunnery monthly for inspection purposes. "Work team"

officials visited Lhatse Chatae Monastery in 1996 and 1997 and expelled two monks who refused to comply with the orders of the "work team". The monks said that they could not bear the idea of opposing the Dalai Lama. The "work team" members reportedly continue to visit the monasteries and the nunneries every month.

Patriotic Re-education in the Lay Community

In the February 4th 1999 edition of the Tibet Daily, Legchog, the Vice-Party Secretary of the "Tibet Autonomous Region" called for widening of the "patriotic re-education" campaign amongst the "peasants and herdsman in a renewed effort to stamp out support for the Dalai Lama." This extension of the "Strike-Hard" campaign further infringes on the rights of Tibetans to freely practise their religion.

A reliable source from Tibet, reports the launching of the "patriotic re-education" campaign in the lay community in Meyling village in Damshung County, Lhasa, in May 1999. Five "work team" members held meetings with people of the Meyling village and instructed them to oppose "splittists" and to accept Tibet as part of China. The villagers were forbidden from inviting religious lamas, oracles, and monks to the villages unless prior permission is sought from Chinese officials. A restrictive order was placed on meditation, divinations, and the staging of trances as a medium for local deities. The officials stayed three days in Meyling and left for other villages and towns of Dhamshung County to conduct similar "re-education" sessions.

In Damshung County, "work teams" have visited five towns and two villages. An order was issued to all the visited towns and villages that anyone who desired to join religious institutions had to seek permission from the county officials. In order to join any of the three big monasteries in Damshung County, a Tibetan is required to have a recommendation letter from a senior monk who is willing to take complete responsibility for the monk in the future. Permission must also be sought from the same officials if local people want to build any religious monuments or temples.

Closures of Religious Institutions

In July 1998, a ten-member "work team" visited **Gonsar Monastery** in Jhangkar township, Lhundrup County, "TAR". The members conducted the "patriotic re-education" campaign for the twenty monks of the monastery. The "work team" forced the monks to oppose the Dalai Lama. The monks refused to comply with the orders stating that, "they are men of robes and cannot oppose ones own faith." Despite unanimous objection from the monks, the members continued with their campaign. Finally the "work team" members announced that they were going to close down the monastery and that all monks must return to their respective homes. At the end of August 1998, all twenty monks were made to return to their villages and the monastery was closed down. The monks were restricted from rejoining any other monasteries or conducting prayer services in homes. Gonsar Monastery was completely demolished during the Cultural Revolution. In 1991, the monastery was renovated with the help of the contributions made by local Tibetans.

Since the launch of the "Strike-Hard" campaign 18 monasteries and nunneries have been closed down. The closure of 17 religious institutions was reported in 1998 and three in 1997.

Religious Teaching Prohibited

In July-August of 1999, **Bhar Monastery** invited **Geshe Lobsang Sherab** for the second time to Taktse County to give religious discourses to the monks of three different monasteries. At that time, around 60 monks gathered in the monastery to receive religious teachings from Geshe Lobsang Sherab. On August 6, 1999, the third day of religious discourse, twenty members from the Taktse County PSB came to the monastery and ordered the monks to stop the teachings. The PSB then accused Geshe Sherab of misleading the masses through his teachings. They threatened to arrest people if the teachings did not stopped immediately. The monks of Awam Monastery and Phak-mo Monastery were sent back to their respective monasteries. Geshe Lobsang Sherab was interrogated about his "aim" and "reasons" for giving religious discourses. He was immediately ordered to return to Lhasa. Since then, the three monasteries have been regularly inspected by County authorities. An order was issued on August 23, 1999 that no monks from any of these monasteries are allowed to practice religion outside of their monastery, and no monk is allowed to receive religious discourses from any lama in any villages of Taktse County.

The County authorities issued an order which prohibited the monks from attending or performing any prayer services in private homes in villages. They announced that "The sermon from August 5-6, 1999 was organised against the law and security of the nation and whoever attended it had violated the law."

Women and Forced Birth Control

In 1999, the Chinese government continued to engage in a premeditated and systematic policy of discrimination and violence against Tibetan women. These "state-sponsored" policies curtail Tibetan woman's ability to own their means of reproduction and resist these destructive measures.

The US State Department 1999 Report on China remarked on the deteriorating human rights record of the Chinese government, including the violations of women's rights: "[v]iolence against women, including coercive family planning practices ... which sometimes include forced abortion and forced sterilization; prostitution, trafficking in women and children ... all are problems."

Forced abortion and sterilization of Tibetan women is commonplace and promoted covertly by the authorities in Tibet. According to the UN Convention on the Prevention and Punishment of the Crime of Genocide (Article II d), genocide is defined: as any act committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, including the imposition of, "measures intended to prevent births within a group."

Contrary to international and national laws guaranteeing Tibetan women reproductive rights, the Chinese government is using a discriminatory and illegal policy aimed at reducing the Tibetan population. This constitutes an act of genocide.

While the Chinese government has consistently attempted to hide these violations under impressive figures and various programs made available for women, testimonies from Tibet provide evidence contradicting Chinese claims. Interviews with Tibetan women in exile indicates that Tibetan women are consistently denied their fundamental freedoms and human rights.

Women's rights are guaranteed in the Chinese legal system. Article 48 of the Constitution of the People's Republic of China states:

Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, and family life.

Evidence from Tibet reveals that discrimination continues. The fundamental challenge for Tibetan women is that the discriminatory practices are "state-sponsored", and therefore they have no capacity to challenge the policies. In a report submitted to the Committee on CEDAW in 1999, four NGO's expressed their concern on the ability of women to challenge discriminatory policies. "Women have few avenues for pursuing rights claims when their rights and interests conflict with those of the government or its officials, or when the discriminatory treatment they have suffered is perpetrated by a government agency."

CEDAW: Scrutiny of China

The Chinese government's report submitted to the Committee on Elimination of Discrimination Against Women (CEDAW) ignored the plight of Tibetan women leading to severe criticism during the 20th session of the UN Committee on CEDAW in February 1999.

One of the complaints made against China by a Committee member was that it (China) had failed to provide the information on Tibet, which the Committee had demanded in its last review session. The Committee asserted their displeasure with the content of China's report, which was found to be, "insufficient, ambiguous, lacking in details, and therefore failed to meet the reporting standards of CEDAW." One committee member demanded an explanation from China regarding its population policies, especially in areas such as Tibet where "population is not a threat." Another expert has urged China to invite the UN Special Rapporteur on Violence Against Women to study the situation of women in China and Tibet.

In 1980, China signed and ratified CEDAW. Article 1 of the Convention states:

... the term "discrimination against women" shall mean 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, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Reproductive Rights

One of the principal outcomes of the Fourth World Conference on Women (FWCW) held in Beijing in 1995 was the Beijing Declaration. The declaration reiterated the right of women to determine freely and responsibly matters relating to their choice of reproduction. Article 12 of Marriage Law of the PRC states, "[h]usband and wife are in duty bound to practice family planning." This provision contradicts the Declaration, and in Tibet is leading to coercive family planning measures.

The Chinese government response is that, "[f]amily planning is one of the fundamental state policies of China, but special policies in this regard are applied in minority-populated regions and remote areas." The government further claims that "[t]here are regulations by the government that in carrying out family planning policy in Tibet, full respect should be shown

to the Tibetan cultural tradition, ethic values, religious belief and customs and habits. Mandatory orders or penalizing measures in any form are strongly opposed. The current family planning policy in Tibet has been formed in full consideration of the realities in Tibet and wishes of the Tibetan people."

A Chinese delegations' response to the CEDAW Committee stated that, "Specially in Tibet, couples at childbearing age working in the cities are encouraged to have two children; those in rural areas are encouraged to have more, but there is no mandatory policies or quotas to force this."

China's White Paper on Minorities emphasised the absence of restrictions on the number of children herders and farmers can have. The Xinhua English version reads, "[T]ibetan farmers and herders in the Tibet Autonomous Region may have as many children as they like." Contrasting the above remarks, recent testimonies from Tibet indicate that coercive birth control policies have been intensified. There are cases where Tibetan women have been subjected to fines, abortions and forced sterilisation operations as a result of non-approved pregnancies.

A report from Xinhua on June 23, 1999 stated that the Kandze "TAP" had issued 822 household certificates to "one-child" couples. The certificates provide families with incentives such as: school enrolment, medical care and employment. This encourages families to accept Chinese birth control policies without the government having to impose coercive measure. Although the purpose of issuing certificates is to encourage birth control measures, reports received from Tibet indicates fines are also employed to pressure Tibetans to accept the restrictive policies of the government.

Tsetan Norbu from Chu-wok town, Ngamring County, Shigatse Prefecture, "TAR" stated in an interview in 1999 that since 1997 in Ngamring County, authorities set a limit of two children per family. If families exceed this limit, a fine of 700 yuan is collected from the father and 550 yuan from the mother. In August - September of 1998, two Chinese female doctors were sent by the county office to conduct sterilisation in all the villages of Ngamring County. The two doctors inserted intra-uterine devices (IUD) into all women who already had two children, as part of the sterilisation process. The work was completed within three months. Those who refused to co-operate were reprimanded and threatened with severe penalties.

In Lichu County Kenlho "TAP", Gansu Province, families were subjected to fines of 2,000 yuan if they had more than two children. Furthermore, children born above this limit are considered illegal and not entitled to rights including education, food, and employment.

In an interview in 1999, **Chak-mo Tso** reports that in Ching-ho town, Themchen County, county officials imposed a fine of 1,000 yuan to the nomads who had exceeded the imposed birth limit. In total, Tibetan nomads were required to pay 190,000 yuan for violating these regulations. In Shang village in Themchen County, one woman was fined 5,000 yuan for exceeding the prescribed limit. This woman was unable to pay the fine, and was forced to borrow money from a County bank. She was unable to repay the loan, and continues to pay on the accumulating interest. In Druk-Chung town in Themchen County, women above 18 years old were forcibly sterilised. Some women refused the operation, and the Chinese authorities sent "unqualified" doctors to the village and performed the sterilisation.

Kyizom, a 32 year old woman from Shel-kar town, Tingri County, "TAR", reported that the Chinese authorities set a limit of two children per family in her town. Those women who already had two children were ordered to undergo a forced contraception method whereby two needle pins are implanted in the left arm, releasing time-delayed chemical contraception. Kyizom was inserted with the needle four years ago and she has never conceived. In her village, there are three families who have paid a penalty of 1,000 yuan each for having violated the birth control policy.

Dukar Kyi is a 30 year-old woman from Mekhor town in Ngaba County, in Ngaba "TAP". In her village, the Chinese authorities set a limit of three children per family. If parents exceed this limit, a fine of 800 to 1,000 yuan is collected from them, and the "extra" child is denied education and property rights. The child is denied a ration card, which entitles him/her to food.

While implementing the birth control policy in Tibet, coercion is imposed on the spacing of children. This is in direct violation of Article 16 (e) of CEDAW, which ensures that women have the right to:

... decide freely and responsibly on the number and spacing of their children ...

Four officials from Jinja/Shaho town and five Chinese family planning officials from Landrou came to Lhabrang in Sangchu County, Sichuan Province (Tibet: Amdo) in February 1999. They announced that all women below twenty years old cannot get married and those above twenty have to acquire a marriage certificate. Failure to obtain this certificate leads to a fine of 600 yuan. Each family cannot have more than two children and there must be a three-year spacing between children. Parents who do not abide by this rule face another 300 yuan fine.

Refugees from Tibet testify to the repressive and violent birth control measures imposed on Tibetan women. There are cases of coerced sterilisation resulting in health complications and in other cases, death. A refugee from Dangkor Town in Sershul County, Sichuan Province, testified that all women who had given birth to three children had to undergo a sterilisation operation. Twenty women fell sick as a result of the operation. Norbu Tso, a farmer from Lushul town in Kandze County, Kandze "TAP", reports that Chinese authorities regularly visited his village to instruct them not to have more than two children. The authorities announced at the end of September 1997, that a penalty of 1,000 yuan would be charged for any child born above the quota. His younger sister, Dolma Lhamo paid 1,000 yuan fine for having a third child. Norbu Tso reports that there are many people in his village who had to pay the fine. Moreover, all women who had already given birth to two children were ordered to undergo sterilisation. Tso reports that women were operated on regardless of their physical condition. Sothar Dolma, a twenty-nine year-old woman died seven days after she was sterilised. The doctors later gave her cause of death as "internal ailments."

In **Jinja** town, a woman underwent a sterilisation operation in July 1998. She was in her mid twenties and at the time had three children. The woman died four days after the operation in the hospital. The family of the deceased received 50,000 yuan as compensation. The hospital gave the reason for her death as "suffering from other internal disease."

China's policy of family planning in Tibet is vague, and lacks transparency and accountability. The Chinese authorities have claimed that "forced abortion and sterilization

are absolutely non-existent." They have stated that birth control is voluntary, but these claims are untenable in light of the overwhelming evidence from Tibet.

An official report in the "Tibet Daily" of March 23, 1998, stated "the birth control policy introduced in Nyangdren town in Lhasa City was a huge success. This successful policy has been implemented with regard to both the family planning procedures of the People's Republic of China and the existing conditions of Nyangdren town." The report also states that the family planning authorities have carried out the policy with "full co-operation" from the local people.

In **Nyangdren** town, 342 out of 379 married women underwent sterilisation. This figure represents 90 per cent of the total married women in Nyangdren. Additionally, 295 women were provided with contraceptive pills.

An official of the town authority applauded the "successful performance" of the Department of Health. He commented that the birth control policy has "directly resulted in the alleviation of the living conditions and reasonably increased the economic growth of the people." The Chinese government has continually endorsed such illicit "state policies" by drawing a link with growth in the economic sector.

Women in Prisons

Tibetan women constitute approximately 35 per cent of the total population of political prisoners in Tibet. There are currently 162 female political prisoners in Tibet, eleven of them are serving more than 10 years' imprisonment. Torture and ill-treatment of women is endemic, and sexual abuse and rape of Tibetan woman are consistently reported.

During the 1999 CEDAW Committee meeting, an expert asked China to address the situation of custodial violence against women in its next report; including the description of detainees, their crimes, and the occurrence of torture in prisons.

Norzin Wangmo, a former Shugseb nun reached Dharamsala, India on November 28, 1999. She was sixteen when she received a five-year sentence on September 13, 1994 for advocating Tibetan independence. During interrogation, Wangmo was hit hard on her right eye with a rubber cord, causing permanent injury. She was charged with "counter-revolutionary" activities, and served her term in Drapchi Prison with adult inmates. In 1996, Wangmo along with Ngawang Sangdrol and two other nuns were punished and confined to a solitary cell for 45 days. The four nuns were accused of being responsible for leading a protest in the prison.

Lobsang Dolma, a former Garu nun arrived in Dharamsala, India at the beginning of 1999 after serving five years in Drapchi Prison. She was initially detained in Gutsa Detention Centre for eight months. While in Gutsa, she was severely treated. During one interrogation session, Dolma was kept standing for 12 hours in a stretch and one another occasion, she was struck on her ear causing permanent injury. In Prison, Dolma fell ill with appendicitis. However, she was denied medication when the prison doctor declared her "fit". Her health deteriorated and on admission to the hospital the doctors recommended surgery. The head of the prison unit refused to sign the necessary "agreement" papers to allow surgery. They told her to wait until she was released, which was two years away. Dolma's parents pleaded on her behalf, and finally she was allowed the operation on the condition that she returned to the

prison immediately after the surgery. A week after her operation, her stitches were removed, and she was given eleven days rest. Upon completing her rest period, she was ordered back to work and required to participate in military exercises. She continued under the regimented prison conditions despite being in constant pain.

Ngawang Sangdrol, alias Rigchog, who is serving 21 years' imprisonment in Drapchi Prison, was suspected of being a "ring-leader" of the May 1998 Drapchi Protests by Chinese authorities and singled out for ill-treatment. Reports indicate that since the protest last May, Sangdrol and another nun, Ngawang Choezom from Chubsang Nunnery, have been subject to harsh treatment and were placed in solitary confinement. Former political prisoners who fled into exile testify that Ngawang Sangdrol suffered severe beatings resulting in her being bedridden for three days. "She did not even have the strength to hold her head nor pull up her trousers. After approximately three days, she could barely walk. She had to drag one of her legs while walking, and one arm was supported by a cloth, slung over her neck."

Denial of Religious Freedom

The Chinese government claims that Tibetan women enjoy the same freedom as men in Tibet to conduct normal religious activities under the protection of the constitution and laws of the country. In 1999, there were continued reports of arrests and detention of nuns for peaceful, legal activities, as well as expulsions from religious institutions.

"Work teams" continue to visit nunneries in Tibet to conduct "patriotic re-education" campaigns. Since 1996, 39 nunneries have been subjected to "re-education", eight are reported in 1999. 1,729 nuns have been expelled from their nunneries since 1996; 196 were reported in 1999.

Ten nuns from Drayib Nunnery in Taktse County, Lhasa Municipality were arrested in March 1998 for not complying with "re-education" conducted by Chinese officials. The arrested nuns were kept in Taktse County Prison for four days and later taken to Seitru Detention Centre where they were interrogated and beaten. They were released after two months detention in May 1998. Voluntary de-population of nunneries is prevalent.

Novice nuns below the age of sixteen are frequently expelled and ordered to return to their villages. In some cases where nuns have refused to comply with "work team" demands, officials have threatened them with confiscation of their families' property.

Eugenics

International Human Rights Law guarantees that persons with mental illnesses shall not be discriminated against or denied any rights afforded the general population. The UN General Assembly adopted The Protection of Persons with Mental Illness and the improvement of Mental Health Care on December 17, 1991. Principle 1 (5) states:

Every person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights as recognised in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and in other relevant instruments, such as the Declaration on the Rights of Disabled Persons and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

China introduced a national law known as "The Maternal and Infant Health Care Law" in October, 1994 which came into effect in June 1995. Under this law, the government stipulates the right to marriage and birth are based on the physical suitability for reproduction. "The law specifically mentions that it will use sterilization, abortion and bans on marriage to prevent people from passing on mental disabilities and disease to their children." The permission to marry under such circumstances is granted if the couple "agree to take long-lasting contraceptive measures or give up a child by undergoing litigation."

The Chinese government has stated that, "The family planning policy as in place in Tibet is as a matter of fact the policy of encouraging few and healthy birth." The potential for misapplication of such policies is extremely dangerous in light of the coercive birth control policies of the Chinese government in Tibet. "In May 1990, the Chinese authorities announced without any evidence that there were 10,000 mentally handicapped people in Tibet, and that this was a sign of inferior population quality." In 1996, during the concluding observations on China by the Committee on the Rights of the Child, the Committee expressed concern at the persistent practices leading to cases of selective infanticide.

Conclusion

Considering the relative sparse population of Tibet, the illegal and violent methods of birth control imposed on Tibetan women by the Chinese government must be viewed as an attempt to reduce the Tibetan population. According to the United Nations, this is an act of genocide.

Tibetan women are denied the right to own their own means of reproduction, and are being forcibly sterilised at an alarming rate. Involuntary abortions, threats, penalties and fines for unauthorized children, all further infringe on women's rights in Tibet. Because these policies are government directed or authorised, there is little Tibetan woman can do to prevent these acts.

Rights of the Child

This year marks the tenth anniversary of the adoption of the UN Convention on the Rights of the Child. Despite having ratified the CRC in 1992, the Chinese government continues to violate the rights of Tibetan children. These most egregious violations of the Rights of the Child are the illegal detentions and imprisonment of children for prolonged periods of time. A more fundamental and insidious violation is the Chinese government's education policies, which deny Tibetan children the right to participate and develop their unique culture and traditions. Tibetan children must choose to either assimilate into Chinese society, or face meagre prospects for future employment.

Tibetans below 18 years old are being barred from joining religious institutions through the imposition of age limits on entrance to monastic institutions. Those already enrolled in monasteries and nunneries are being expelled in increasing numbers. In 1999, 244 juvenile monks and nuns below the age of 18 were expelled from various religious institutions.

Right to Education

The low quality of Chinese education coupled with excessive fees and the irrelevance of education to Tibetan children discourage parents and make them question the practicality of sending their children to Chinese schools. The Chinese government has made education

compulsory for all children at the risk of severe penalties. Parents therefore are left with little choice but to send their children into exile in India. By doing so, they exhaust their savings to pay the guide and also risk the lives of their children crossing the Himalayas in the worst time of the year. They choose winter to minimise the threat from the Chinese authorities. There are cases in 1994 and 1998 where parents who work in Chinese offices were made to bring their children back from India. People who do so are often viewed as "traitors" and treated suspiciously if not punished severely.

The state of education in Tibet is of grave concern to the Tibetan people. In 1999, approximately 1,115 children below 18 years old left Tibet in order to receive a "Tibetan" education in India. In Tibet, high school fees, combined with the predominance of Chinese language negatively effect Tibetan's ability and desire to participate in the education system. The Chinese government claims that in the "TAR", primary school enrolment rates are 81.3 per cent. The UNDP maintains that actual rates could be "somewhat lower".

High school fees, course content, medium of instruction, procedures of enrolment and the futility of obtaining education due to extremely narrow chances of employment are some of the challenges facing Tibetan children. Catriona Bass, an expert on Tibetan education stated during an interview with Associated France Presse, "An official move launched at the end of the 1980s by Beijing to 'Tibetanise' the education system has been rapidly repealed in recent years, in line with the development of the nationalist movement there. All policies for minorities' education gets over ridden by the need for stability," The Chinese government views with suspicion efforts to preserve the culture and language of Tibet.

In an official Chinese document on human rights, the government declared that "the pass marks for admission are appropriately lowered and students are chosen on the basis of their test results." This claim is refuted by testimonies from children whose parents had pay bribes in order to gain admission in schools. A 17 year-old from Meldrogungkar County reports that he had to bribe officials in order to get into a newly established government vocational training centre. This training centre, established in 1998 in Peting under the Lhasa City Municipality is one of the 158 ethnic secondary vocational schools. Approximately ten different vocations are taught in such training centres including: painting, cooking, medicine, translation, engineering, electrician and journalism. Applicants do not require specific qualifications if they can afford the fees, which are 600 yuan annually. In addition, 100 yuan is charged as a board fee and about 700 yuan is charged per session. If students can not pay in cash, they are asked to pay "in-kind." Payment have included yaks, goats and sheep. In one year, a student needs almost 3000 yuan to remain in the centre. This student reported that the best vocations were normally "reserved for the children of leaders and higher authorities or those who have connections." He left the centre after a year because he could not afford the fees.

A former student of Daru Middle School in Tsolho (Ch: Hainan) "TAP", Qinghai. **Namdhar Tsering** (18) reports that there are approximately 800 students in the school, out of which only 10 are Tibetans. This is considered the biggest and the best school in Hainan, "TAP". The Chinese students are mostly children of Chinese officials and big Chinese businessmen. Not many Tibetans can attend this school. Only children from rich families or those who have parents working for the Chinese government may attend this school. There are about 50 teachers; none of them are Tibetan.

Discrimination in Schools

Tsering Gyatso, a 17 year-old student, from Dzoge County School, Sichuan Province, who escaped to India in May 1999, gave a brief account of the school he attended in Tibet and the discrimination he had experienced:

"In the Dzoge County School, there are around 200 students. The school is divided into Tibetan and Chinese sections. The Tibetan section holds 150 students. The Chinese studying section get a grant of 60-100 yuan a month issued directly from the County government while the Tibetan section get only 25-30 yuan. The school however, does not exempt fees. In fact, the Tibetan section students are discriminated against and have to pay more fees than the students of the Chinese section who have to pay only 1500 yuan. The students in the Tibetan section pay 3500 yuan per year. This fee excludes the 'miscellaneous fees' for buying school materials."

Kunsang Gyal, a former Themchen County resident in the Tsonub Mongolian and Tibetan Autonomous Prefecture (MTAP) Qinghai Province (Tibetan: Amdo) maintains that unfair quotas are placed on Tibetans and other minorities in the Teachers Training School (Tibetan: Ge-wos Lobdra) in Themchen County. After completing lower and middle school, Gyal attended the Tsonub TAP's Nationalities Teacher Training School. In this school there are 380 students, 240 are Chinese, 60 are Tibetan and 60 are Mongols. The remaining 20 are from other ethnic communities. While the school was established for minorities, the school admits more Chinese students than all minority groups combined. The school has established a quota system, which limits admission to 60 Tibetan and 60 Mongolian students. These quotas inhibit the ability of minorities to further their education as the Teacher's Training School is the only higher education schooling available to students of Themchen County. Kunsang Gyal expressed his disdain for the quota system, stating that, "receiving more Chinese students is a direct contradiction of the purpose of the school." He further believes that "quotas imposed on the numbers of Tibetans and Mongols in the school is aimed to restrain their numbers."

A former student of Lithang County Teacher's Training School stated that in his school there were approximately 1,000 students, out of which 200 are Tibetan. Lithang County Teacher's Training School is a Prefecture (Kandze "TAP") Teacher's Training School. Admissions are from 18 different counties, but only 50 students are accepted from Lithang County every year. 80 per cent of the 50 students are Chinese.

Ngawang Wangdu from Gaga township in Ngamring County, Shigatse Prefecture, "TAR" admitted his two children in schools in India in 1997. Upon his return from India, county authorities detained him in County Prison for 15 days with both his hands and legs chained. He was later fined 500 yuan for sending his children to school in India. During a meeting, the authorities ordered a ban on sending children to schools in India. They threatened local Tibetans with imprisonment and heavy fines if they failed to uphold this order.

In a similar incident in Rongshar township, Tingri County, Shigatse Prefecture parents were summoned to a meeting and regulations restricting sending children to India for education was announced. From Rongshar, 20 children had been sent to school in India. These parents were labeled as "traitors", "part of the 'Dalai clique'", and fined 500 yuan as punishment. If the parents were unable to pay the amount, they were threatened with confiscation of their belongings and animals.

Illiteracy - A Problem Not Adequately Addressed

The Chinese government asserts that illiteracy has been reduced from 95 per cent in "old Tibet" by 47 per cent. The U.S. State Department's Human Rights Country Report (Tibet section) noted, "The current illiteracy rate was estimated at 40 per cent and in some areas it reaches 80 per cent." Chinese official statistics estimate the school age children attending schools at 81.3 per cent but most students "end their formal education after graduating from village schools."

According to Kunsang from Themchen County in Tsonub "TAP", Qinghai Province (Tibet: Amdo), the 1995 population statistics reports a total of 17,000 people live in Themchen County, of which the vast majority are Tibetan. The survey reported that approximately 9,000 Tibetans were illiterate. However, based on the results of an exam administered in 1998, the Chinese authorities claim that only 400 people are illiterate. Kunsang reports that the Chinese administered exams are misleading, that the exams are not conducted on a systematic basis, that not all individuals are tested, and that literate individuals often take exams for their illiterate friends. Kunsang believes that the Chinese are attempting to hide the true illiteracy rate of the Tibetan people in order to avoid having to allocate funds to eradicate the problem. Last year the county government allocated about 5,000 yuan for literacy training.

A recent report, "Historical Progress in Guaranteeing Human Rights in Tibet," claims that China has "effectively protected" the Tibetan's right to education by "providing free and compulsory education from primary school through university." The report also claims that the primary schools in remote areas provide students with free clothing, room and board. However, reports received from Tibet continue to contradict the Chinese claims on the Tibetan children's right and access to education.

Refugee children testify that, although education is compulsory in several areas, it is far from free. Tibetan students have to pay prohibitively high tuition fees and often parents cannot afford to send their children to schools. In some areas, procuring primary education may not be as difficult as continuing further studies in middle school. A former resident of Tsekhog County in Malho "TAP" in Qinghai Province testified that "about 130 students dropped out of the middle school this year." The students or the parent's of these children could not afford to pay the school fees. He had to pay 600 yuan for one semesters' education. "The middle school costs a lot of money," he added.

In Marthang County, Ngaba "TAP" in Sichuan province, parents who have more than two children can send only two children to the Meba Primary School. The third one is denied admission. Two residents of Marthang reported that attending primary school was not so difficult, but "continuing further in middle school or university was impossible, especially if you are poor as the costs are very high."

"Re-education" Extended to Schools

"Patriotic re-education" in schools has become part of the curriculum for students and teachers. In political science classes, teachers instruct students to embrace atheism, and oppose the Dalai Lama. Children are instructed to respect and recognise the Panchen Lama selected by China and denounce the Panchen Lama recognised by the Dalai Lama.

Lhalung Gyal, 24 years old, from Tso-ngon High Teacher's Training School in Qinghai reported that Chinese officials conducted "re-education" in his school three times a month. The students were instructed to write protest letters to the Dalai Lama and express their

opposition over the Panchen Lama chosen by him. Gyal and his friend Tamding once did not attend the "re-education" session. Upon their return to the school, they found that their names were listed on the notice board. They were branded as "students with unsound minds." They were prohibited from attending the political class for four months and they forfeited four months of "pocket money" worth 70 yuan. Later, the school security police searched their rooms and discovered a small photograph of the Dalai Lama in Lhalung Gyal's room. The school authorities then called the parents of the two students and instructed them to "educate" them within four months. The parents were also made to sign a letter of agreement, and both the students were ordered not remain in the town during the four month period.

Children Escaping from Tibet

This year, of the 2,474 Tibetan refugees who escaped into exile, 1,115 were children below 18. A majority of them were unaccompanied by their parents and were sent through guides. Tibetan children suffer frostbite, hypothermia, and other ailments as a result of this journey. Girls are susceptible to sexual assault by Chinese as well as Nepali police. There are confirmed cases of children dying from gunshot wounds inflicted by Chinese security personnel, as well as succumbing to the harsh weather conditions.

On November 20, 1998, 15 year-old **Yeshi Ngodnup** died when local Chinese security police began firing indiscriminately at a group of 47 Tibetan refugees who were trying to escape into Nepal. Yeshi Ngodrup was shot in the back and the bullet penetrated his abdomen. During the same incident, a second escapee from Kandze County, Sonam Tri, was shot in the left knee. Both Yeshi Ngodup and Sonam Tri were taken to a Chinese hospital. Yeshi Ngodnup died the following day. On January 23, 1999, his family traveled from Lhasa and the body was cremated in Saga County. They were part of a large group of children all fleeing to India to be admitted in Tibetan schools.

Five policemen in their uniform (three Chinese and two Tibetans) raped three Tibetan girls, both in their late teens, after they were caught trying to escape across the border into Nepal. They were arrested in the Tibetan border town of Burang at a guesthouse in late 1998 with three other girls. One of the girls, a 17-year old from Lhasa, was beaten with an electric baton and raped while she was unconscious.

The two Tibetan girls escaped into exile with three other Tibetan women whom they had met during their journey. All five girls were taken to an empty building where two of them were tied to a chair, gagged and forced to witness the rape of two others. The fifth girl was taken upstairs and was also repeatedly raped. The next morning, the police agreed to take the 17-year old and one of her friends who had witnessed the assault to a hospital. They remained in the hospital for three days, and managed to escape on the fourth day. The two girls reached Kathmandu on December 19, 1998. The whereabouts of the other girls are unknown. It is feared that they may have been transferred to a detention centre.

In a separate incident in January 1999, a 17 year-old Tibetan girl from Shigatse was raped by a Nepalese driver in Barabise, on the Nepalese side of the border, approximately 90 kilometres from Kathmandu. The girl's plea to the man not to rape her because of her plans to join a nunnery was rejected.

"Re-education" in Religious Institutions

Tibetan children in Tibet are sent to religious institutions to acquire Buddhist philosophy, which are omitted in the secular curriculum of schools. The study of Buddhist principles and philosophy for individuals as well as for dissemination to lay communities are restricted to these religious institutions. The introductions of regulations that prohibit and expel novice monks and nuns from religious institutions violates Article 30 of the Convention on the Rights of the Child which guarantees:

... states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

Of the 440 novice monks and nuns who were expelled from their religious institutions, many were sent back to their respective villages, others have fled Tibet in order to join religious establishments in exile.

Samdup Lungtok, 18 years old, from Gyamo town, Sangchu County, Gannan "TAP", in Gansu Province, fled to India to avoid denunciation of the Dalai Lama and potential expulsion from his monastery. There were 500 monks when he joined Gyamo Monastery at the age of 14. In June 1998, the first "work team" comprising of three members came to the monastery and remained for two days. On the first day, a meeting was called in which the "work team" denounced the Dalai Lama and instructed the monks to accept the Panchen Lama selected by Chinese government. On that day, the "work team" also imposed a ceiling of 300 monks in the monastery and announced that novice monks below 18 years old will not be allowed to remain. Samdup Lungtok left for Lhasa on July 12, 1998. While he was in Lhasa, he learned that in August 1998, another "work team" had visited the monastery and expelled all the monks below 18 years old. There were approximately 70 novice monks in the monastery at that time.

Arrest and Detention of Juveniles

Article 37 (b) of the Convention on the Rights of the Child states:

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

Article 37 (c) of the CRC 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 their 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.

Despite these guarantees, Tibetan children continue to be imprisoned for prolonged periods of time, with adult inmates. There are currently two juvenile political prisoners and 21 of who were below the age of 18 at the time of arrest, incarcerated in various Chinese-administered prisons in Tibet.

Most of the testimonies received to date reveal that juvenile political prisoners are subject to complete separation from their family members until their trial or sentencing. The duration of such separation can sometimes be more than ten months. In such cases, minors or juvenile political prisoners are at greater risk of being ill-treated and tortured.

Phuntsok Legmon (lay name: Tseten Norbu), 16 years old was sentenced to three years' imprisonment on July 9 by "TAR" People's Intermediate Court for a protest on March 10, 1999. He is currently held in Drapchi Prison along with other adult prisoners. Phuntsok Legmon and another monk, Namdrol, reportedly shouted slogans for a few minutes in Lhasa on the anniversary of Tibetan National Uprising Day. They were charged with "plotting or acting to split the country or undermine national unity." There are reports that the monks were beaten with batons and fists at the time of detainment.

15-year-old **Yeshi Yarphe**l was detained in late February 1999, accused of being a spy for the Tibetan Government-in-Exile. In 1991, Yeshi's parents sent him to Dharamsala, India to receive a Tibetan education. After studying in India for eight years, he left school in late February 1999 because of family problems. The PAP arrested Yarphe and he was taken to Nyari Detention Centre in Shigatse. PRC officials later alleged that Yarphe was carrying out espionage activities for the Tibetan government in-exile. He was released in late April 1999 after being detained for a total of two months without formal charges. During his detention, his parents were not allowed to visit him.

In 1997, three Tibetan students from Dzoge County School were arrested for pasting publicity materials of the Tibetan Government-in-Exile on the school notice board. The three implicated students **Tsering, Kunga** and **Tenpa** were interrogated and detained in the County Prison and released after one month. They were expelled from the school upon their release.

Norzin Wangmo, a former nun from Shugseb Nunnery was 16 years old when she was sentenced to five years in prison on September 13, 1994. Wangmo, along with seven other nuns demonstrated in front of the Jokhang in Lhasa. She was detained in Gutsa Detention Centre for 11 months and during this time, she was denied visits from her parents and relatives. "The prison guards kept all the food and clothes and issued fake receipts to our family members," she stated in an interview upon reaching Dharamsala, India.

Youngest Prisoner of Conscience

Article 37 (b) and 16 (1) of the CRC stipulates:

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence. Nor to unlawful attacks on his or her honour and reputation.

The Chinese government continues to hold **Gedhun Choekyi Nyima**, the XI Panchen Lama in an unknown location. He is currently 10 years old, and is the youngest prisoner of conscience in the world. The Chinese government has resisted efforts to see the child, including a request by **Mary Robinson**, the UN High Commission for Human Rights. His current condition is unknown. He has been missing since May 1995.

Conclusion

Evidence from Tibet conclusively demonstrates that the Chinese government is violating the rights of Tibetan children. They are denied the right to free and non-discriminatory education. Tibetan children are fleeing Tibet in increasing numbers in order to retain their cultural traditions; including the use of the Tibetan language, which is becoming irrelevant in Tibet. Tibetan children are denied the right to practice their religion and are banned from joining monastic institutions before they reach 18. Children are subjected to restrictive and violent penal measure and legal protections are disregarded. The fundamental obstacle for children in Tibet is that the Chinese government is perpetrating these violations, thereby hampering Tibetans ability to resist these repressive measures.

Population Transfer

Through a policy of population transfer ethnic cleansing has been carried out in Tibet since the Chinese invasion. The Chinese occupation of Tibet has been characterised by various attempts to terminate the Tibetan identity either through direct violence or structural means such as assimilation into the Chinese identity. One such indirect and yet far more insidious means has been that of transferring the general Chinese population into Tibet.

International Law

Population transfer has been defined as "the moving of peoples as a consequence of political and/or economic processes in which the state government or state authorized agencies participate."

The International Law of armed conflict first recognised the possible misuse of population transfer policies during times of conflict and Article 49 of the Fourth Geneva Convention provided that: "the occupying powers shall not deport or transfer parts of its own civilian population into the territory it occupies." The UN Special Rapporteurs on population transfers have stated in their report that population transfers constitute a violation of basic principles of conventional and customary international and human rights law.

While most principles of International law concerning population transfers address the rights of the subject group of the transfers, it has also been clarified that population transfers cannot be used as a policy which threatens the identity, culture and livelihood of a minority group living in an area in which the transfers are purported to be made.

The UN Special Rapporteurs on Population Transfers have stated that "[t]he validity of even the consent of the people being moved may be subject to the wishes of the inhabitants of the place of settlement. While the principles of consent safeguards the forcible removal and dispersal of a minority settled in a distinct homeland it cannot be used to achieve the chauvinistic overlaying of national areas by planting of settlements, and the imposition of cultural hegemony upon minorities."

Chinese Policy

It has been reported that on any given day an estimated 100 million people are on the move across China looking for work. But, "perhaps nowhere is China's vast internal migration having a more profound effect on the local population than in Tibet. The arrival of tens of thousands of job seekers from China's ethnic Han majority, while a minor runoff in a country of 1.3 billion people, is threatening to swamp the culture of 5 million Tibetans."

Chinese President **Jiang Zemin** has been quoted as saying that his focus would be on economic development and the opening of the Chinese economy, but that his biggest problem was the country's large population. While 93 percent of the Chinese population is Han Chinese, ethnic minorities inhabit regions which contain a vast percentage of China's material wealth. Minorities predominate in 60 percent of China's territory, including regions crucial to China's supply of natural resources such as timber, water, minerals and petroleum. Areas dominated by China's two most recalcitrant minorities Tibetans and Muslim Uighurs comprise 2.4 million square miles, almost half of China and much of its historically vulnerable border areas. In a case of competition for scarce resources the Chinese government attempts to fill such areas with Han Chinese presumably loyal to Beijing. This policy also serves the twin purpose of transferring people from over burdened areas into more fertile areas and ensuring that the ethnic population is assimilated into the larger Chinese identity thereby preventing any successful claim to self-determination.

An analysis of the Chinese policy of population transfer in the past 40 years reveal certain distinct patterns concomitant with the Chinese economic policies towards Tibet. A transfer mostly of officials and army personnel into Tibet marked the early period of the Chinese invasion. Since the 1980's, with the Chinese decision to integrate Tibet into China's economy and social structure, we see a conscious decision by the Chinese to transfer it's peasants, agricultural workers and other groups of labourers and traders into Tibet. From July 2 to 23, 1994 the Third National Forum on Work in Tibet was convened in Beijing and decisions were made to relentlessly implement the Chinese government's policy to totally integrate Tibet within the structure of China's economic needs. The major thrust of the implementation strategy was "to open Tibet's door wide to inner parts of the country and encourage traders, investment, economic units and individuals from China to Central Tibet to run different sorts of enterprises".

Population Transfer Policies in 1999: The World Bank Project

In 1999, for the first time an international organisation was involved in a plan that would further China's policy of population transfer. The \$311 million Western Poverty Reduction Project is partially funded by the World Bank. The World Bank is contributing a total of \$160 million to the project, \$100 million in concessional funds from its International Development Association (IDA) and \$60 million from the International Bank for Reconstruction and Development for the project (IBRD).

As a result of the international protests made against the \$40 million Qinghai component (Tibetan: Amdo), by International Organisations, The Tibetan Government-in-Exile, and Tibetan human rights groups, the Board of Directors of the World Bank were forced to reconsider their decision to pass the loan.

On June 24, 1999, the Board of Directors approved the loan with the condition that no work would be done or funds dispersed for the \$40 million Qinghai component pending a report that was to be submitted by an Independent Inspection Panel. On September 9, 1999, the board formally requested the Inspection Panel to undertake an investigation to see whether Bank Management had observed its policies on involuntary resettlement, indigenous peoples and an environmental assessment. The focus of investigation is still with respect to whether or not the policies of the bank had been violated and not about the larger issue of population transfers affecting the Tibetan people.

The World Bank's Independent Inspection Panel returned after a three-week visit to China, including an extended visit to the proposed site of the Western China Poverty Reduction Project in Qinghai. It is reported that the Panel held in-depth interviews in Beijing with Bank officials, and met with a number of the Tibetan and Mongol farmers and nomads who would be affected by the project.

It is on the basis of the report submitted by this investigation panel that the World Bank will decide whether or not to carry on with the project. While the issue of population transfer in Tibet has been well documented, the fact that it is a state initiative ensures limited information being available to the outside world. It is in this context that it becomes important to look at the World Bank project as a case study to understand the arguments and processes that population transfer utilize. It is also important to continue resisting the project as its approval is important to China not only for the obvious economic benefits, and "the loan would effectively grant the regime an international rubber stamp of its relocation policy." It is also important to keep in mind the fact that large development projects in Tibet requiring population transfers from China to Tibet are increasingly the norm. A rejection of the Qinghai component will also serve as a critique of the development policies of China, which rely on large-scale population transfers.

Population Transfer and the Qinghai Project

According to the summary paper issued by the World Bank "[t]he project in Qinghai is being supported by a \$26.7 million IDA credit and a \$13.3 million IBRD loan (total \$40 million) as a part of the overall \$160 million package, and is supposed to transfer 58,000 people into the Dulan area. At the county level settlement impact on the population will be much reduced. The percentage of Han in Dulan County will fall from 53.1 percent to 47.5 percent of inhabitants, that of the Tibetans from 22.7 percent to 14 percent and that of the Mongols from 14.1 percent to 6.7 percent while the population share of the other minorities especially the Hu (from 7.2 percent to 22.1 percent) will increase."

The transfer will take place from five counties under the jurisdiction of Haidong and Xining in the eastern part of Qinghai into Dulan County in the Tsaidam basin. Dulan has been home to Tibetan pastoralists since the seventeenth century and is currently home to 11,952 Tibetans and 7,401 Mongols.

Implications of the Transfer

Dilution of Tibetan identity and increase in ethnic conflict:

One of the chief claims of both the World Bank and the Chinese government is that the transfers will not affect the ethnic Tibetan and Mongolian population. It is said that the transfers are not really from one province into another, as the move will be from Haidong to Dulan, all within Qinghai. It has also been contended that the transfer is mainly of another ethnic group namely the Hui. It should be noted that the Hui Chinese are not different from the Han Chinese except for the fact that they are Muslims. Their transformation into a distinct ethnic group fits into the larger politics of controlling the population through a process of naming.

It is insignificant that the move will be within Qinghai province. The primary consideration is that the area is nominally a Tibetan and Mongolian Autonomous Prefecture.

Rinchen Wangyal, a 21 year old man from Panchen Shingdey in Dulan who is now in exile reports that, "in the past, only Tibetans and Mongols inhabited Dulan. It was then a spiritual land with abundant material wealth. People led a peaceful and content life. However from 1949 onwards outsiders started coming in. Many Chinese settlers also made their home there, being sent there by the government. This has created a critical situation: farmers are now faced with land and water scarcity, while nomads have to fight for pasturelands. Similarly Dulan's environment is being degraded as the new settlers cut down trees, hunt the wild life to the point of extinction and carry out mining activities desertifying large swathes of grasslands. The Chinese are also eroding the Tibetan religion, national identity, traditional dress and customs all of which are dear to us as our life. By doing so they are trying to sinicize our people. If new Chinese settlers were transferred to Dulan as a result of the World Bank support, the defenseless Tibetans would find themselves completely assimilated."

Tibetans living in Dulan County fear such negative consequences if the project is implemented. The ICT in Washington received a letter from Tibetans in Dulan stating "[r]ecently we heard of a Chinese plan to settle tens of thousands of Muslim Chinese in Dulan. This is communist Chinese policy to create conflicts between Tibetans and the Muslims. There have been many conflicts and killings over pasturelands. Many of us will die in the conflicts and even if we survive where do we go? As it is, we do not have sufficient pastureland to support our animals. How is the land going to support tens of thousands of new settlers?"

The Bank states that this investment will also improve the infrastructure of Dulan including education. According to the Bank, children will be able to attend schools reflecting their ethnic and language backgrounds; but immediately adds a caveat stating that "it should be noted that many of the ethnic groups including Tibetans moving into Dulan speak only Mandarin". The obvious implication from the statement is the fact that most of the schools will also have Chinese as the medium of instruction.

This double speak is indicative of the nature of cultural sensitivity involved in such development projects. The threat to the Tibetan identity arises from the fact that these are not exceptional cases of investment but are part of the larger political economy of "development" in Tibet.

Long term impacts of the Project:

There is already intensive mining being carried out in areas of the Tsaidam Basin and industrialisation in the area has already attracted major foreign investment in the particular region. However there is no infrastructure as far as food supplies are concerned and presently they are being sourced from great distances. One of the aims of the project is to build up the agricultural infrastructure of the area to meet the demands of the large number of people involved in state controlled mining activities.

There are justified fears that "the World Bank's project fits into a wider pattern of the steady march of Chinese colonisation, and the assimilation of all Northern Tibet from the Loess Valleys through the entire Tsaidam Basin." Bringing in so many Chinese settlers into a remote oasis makes economic sense, only when there is a ready market with pent up demand, for grain and other foods nearby.

Xiangride and the other town of Dulan County, Chahanwusu, have built up a number of industries meeting the supply needs of the major Chinese resource extraction zone in the Tsaidam Basin. Further west, where oil and gas, salt and potash and other minerals are removed and processed for use in China's energy, plastics, petrochemicals and fertiliser industries. Among these industries are a coal mines, sawmills, meat-processing plants, leather factories, as well as vast fenced fields of wheat and rolls of hay cut by machines. There is also a potassium and magnesium factory, an ore-dressing factory and a precious stone processing plant. These major industries are in much need of fresh food, grains and other supplies to sustain an immigrant workforce in an arid area. The oases of Dulan County are among the closest centers of grain production, and their exploitation thus forestalls the necessity to bring in provisions by trucks from further away.

As is the case with such strategies, it is always difficult to prove the larger policy intentions. However, an article carried out by the official Xinhua News agency is indicative of the trend when it says that "a combination of available labour in the eastern portion of the province with natural resources in the western part should contribute to Qinghai's development." According to Tsewang Phuntsok "[i]f the past is any indication we can only say that the Chinese government will merely encourage more Chinese from the adjacent areas to settle in the move out areas."

An analysis of the intended benefits of the project from the World Bank summary indicates that careful attention has been paid to the benefits accruing to the move out area, but the same care has not been taken when analysing the impact of the project on Dulan's environment.

The World Bank summary states that "[t]he Qinghai component involves direct benefits not both for those staying in the hillsides as well as those moving out. By reducing the population pressures on the hillsides the project will support regrowth of natural vegetation on the hillsides, which will reduce further erosion and enable the area to better support livestock of those who remain."

The implication seems to be that more people will be transferred into the move out area after the present inhabitants have been moved into Dulan, fitting into a wider pattern of waves of migration which threaten to flood the fragile socio-ecological fabric of Tibetan society.

Infrastructure Development and their Implications for Population Transfer

In 1999 as a part of the celebrations of 50 years of the founding of the PRC, there were concerted attempts by the Chinese government to reiterate it's position of integrating Tibet completely within China.

Nyima Tsering, Vice Chairman of the "TAR" Government, said the 10th five year plan (2001-2005) currently being drafted would "high likely" include a railway linking Tibet with other parts of China: "Tibet is the only place in China that is not linked up by railways. Such a deficiency has hindered the opening up of Tibet to foreign investment". He also added that efforts to suppress separatism would continue to enable a stable environment for development.

The route of the proposed Qinghai-Tibet railway has been confirmed following the completion of a survey by the Railway Ministry. The railway which is seen as marking the further integration of Tibet into China will extend from Golmud in Qinghai to Lhasa, passing

through Nagchu, Damchung and Yangbajing. A report in the Qinghai Daily on September 12 said that the rail line constituted what has been termed as a political (front) line in consolidating the south western border of the mother land, exploiting rich natural resources along the railway and establishing close economic and political ties between Tibet and China.

The main road linking the remote Tibetan capital Lhasa to the rest of the world, via the north-western city of Xining has been widened and upgraded. The road base of the highway has been deepened, 13 bridges have been added, and road surfaces on dangerous parts have been widened. Cars could now run at speeds of up to 80 kilometres per hour (50 miles per hour) on the highway, double the original figure.

Implication:

One of the pre-requisites of an easy implementation of a population transfer policy is the existence of infrastructure especially in the form of availability of roads and railway networks to enable the movement of people. China's decision to increase the infrastructure in Tibet is motivated by a desire to use the developed infrastructure to integrate Tibet's economy completely into China's. This implies that the ease with which people can be moved from mainland China into Tibet increases.

Conclusion

Violence can be either relational (i.e. the exercise of directed force like arrests and tortures affecting individuals) or structural (acts which affect relationships of power). The chief difference between the two is the fact that structural violence is made less visible through discourses such as national interest and development, and in an age of increasing international awareness of human rights it is easier to detect the impact of relational violence than structural violence.

The use of population transfer as a policy is a form of structural violence as it affects the composition of a community, access to means of livelihood and their identity. By using the discourse of modernity and development, the Chinese authorities have effectively sought to marginalise the Tibetans within Tibet and there is an urgent need for the international community to recognise and stop such forms of structural violence.

Violation of Subsistence Rights

"Tibet is not allowed to break away from the motherland and remain poor for a prolonged period of time."

-- Jiang Zemin, President of the People's Republic of China.

A recurrent theme which appears in the official discourse on Tibet is that of development and growth. It has been stated by official Chinese reports that "[t]he Gross Domestic Product (GDP) of the "TAR" was 3 billion yuan in 1992 and 3.6 billion yuan in 1993. But by 1997 it was 7.35 billion yuan, an increase of 83.57 per cent since 1993 in adjusted terms and representing an annual increase of 12.9 per cent. Grain production increased from 500,000 tons in the early 90's to 820,00 in 1997. Tibetans enjoy a per capita grain share of over 350 kg; most farmers and herders have enough to eat and wear; and the number of those

considered as poverty stricken has dropped to some 200,000 since 1994. Tibet's revenue has risen from 109 million yuan in 1992 to 250 million yuan in 1997."

One of the tragedies of official history is the fact that it records itself only in round figures thereby omitting all the untold tales which lie by the wayside of official history. If the claims of the Chinese government are to be believed then Tibet is one of the most economically developed regions in China. However the growing number of refugees escaping the "good life" in Tibet and their testimonies seem to indicate that while there has been tremendous economic growth in Tibet especially in the urban areas, it has benefited only the Chinese settlers. There is also evidence to suggest a systematic marginalisation of the Tibetans from the mainstream economy. This is resulting in the creation of a new social underclass whose task is primarily to service the mainstream economy.

To further illustrate the extent of Tibetan poverty, recent United Nations Development Program (UNDP) data would place Tibet between the 131st and 153rd position amongst the 160 nations on their Human Development Index (HDI). Tibetans spend just 15.4 per cent of the rural Chinese average on health care, 7.7 per cent of that of their Chinese counterparts on education, culture and recreation, 54.9 per cent of rural Chinese spending on food; and only 39.1 per cent of that spent by rural Chinese on housing.

An analysis of a few components, which comprise what may broadly be termed as subsistence or development reveals an experience far removed from the official claims made by the Chinese authorities. The policies clearly violate various International Law principles.

International Law

Article 1(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that:

All peoples may, for their own ends, freely dispose of their natural wealth resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Article 11 of the ICESCR states:

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The State Parties will take appropriate steps to ensure the realization of this right, recognising to this effect the essential importance of international co-operation based on free consent.
2. The State Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed.

Chinese Law

Article 13 of the Constitution of China provides that:

The State protects the right of the citizens to own lawfully earned income, savings, houses and other lawful property ...

Despite the fact that China is a signatory of the ICESCR, and despite the existence of protection within the Chinese Law of the right to subsistence it is very clear from the testimonies of the Tibetan people that this right is violated by the policies of those who are supposed to protect it.

Rural Taxation

"No levies have been imposed on the peasants and herders in Tibet since 1950 and there is no compulsory state purchase of grain there. The income that Tibetan peasants and herders earn is entirely their own"

- Xinhua, January 23, 1999

One of the most striking features of the taxation policy of China is its absolutely arbitrary nature. The existence of a strict taxation policy in the context of a centralized economy necessarily implies a transparent taxation policy as well as the corresponding use of such revenue towards social welfare spending. China's taxation system is conspicuous by the absence of both these principles. There are no official statistics available which give us detailed figures or breakdown for tax collected at the county level and below. It seems that the decentralisation of tax has given greater powers to local authorities to collect tax, but it is not clear how the levels or types of tax are set or what proportion is remitted to the higher authorities.

It is interesting to contrast the claims made by the Chinese authorities that the Tibetan economy has been subsidised greatly to allow for growth, with their taxation policies. In 1993 alone, the subsidies and financial aid from the Chinese government amounted to 1,709 million yuan (US\$ 214 million), which represented 91.6 per cent of the total income of the "TAR" government. But a lion's share of these subsidies and financial aid goes towards meeting chronic financial deficits accrued by the state owned enterprises in industry, construction, transportation, trade and grain management (that is purchase of grain from Chinese provinces for sale at subsidised rates to Tibet's urban residents) .

The effects of subsidies have been "to create a separate economy, the visible or official economy which is based on imports. Its workings can be summarised as follows: Central government flow in, to assist in capital construction or in setting up industries. During this process, subsidies are used to pay for goods or services from developed areas. The introduction of modern technology creates demand for power, spare parts, materials and technicians and skilled management who require particular food, housing, hospitals and so on. Imports creates the desire for more imports."

The important issue then to be raised is: If there is little or no correlation between the amount of money spent in subsidies and the severe taxation policy, and if the revenue from the taxes does not make a comparatively significant contribution to the economy, then is the taxation policy yet another means through which the Chinese government disciplines the Tibetan polity into submission? This is not a questions which can be answered in an evidentiary manner but a closer look at the lives of the Tibetan poor would clearly indicate it's efficacy as a tool of oppression.

Some of the features of the tax system are best inferred by the narratives of the Tibetan refugees who have supposedly benefited from the economic developments in Tibet:

Kunchok Sangmo, a 32 year old from Nagchu Prefecture arrived in exile on November 16, 1998. She reports that as nomads her family depended on their animals but the Chinese imposed a restriction of only four animals per member of a family. Her family had nine members and 62 animals in total and hence had to pay an annual fine of 100 yuan per yak or dri, 50 yuan per sheep or goat and 300 yuan per horse. If any family failed to pay the fine then their animals were either killed or sold. This, she said, greatly reduced the possession of animals by nomads resulting in a threat to their survival. She also said that there was an increase in the number of Muslim settlers who bought these animals, hides and "yartsa gunbhu" from them and in exchange sold them basic commodities.

Topgyal, a 32-year-old from Nagchu Prefecture reports that his family, which had a nomadic subsistence, had to pay taxes on the various products of their animals. Annually they had to pay 100 to 150 gyama of meat, 10 to 15 gyama of butter, 1 gyama of "Ra-khul" for five goats, 30 to 40 Gyama for "nor khul", 3 yuan "sok trel" for five goats, 3 yuan "sok trel" per sheep and 24 to 60 yuan "sok trel" per horse. The collection of "sok trel" taxes varied from year to year and some times they had to pay to officials from other counties taxes in the form of butter, yoghurt and meat but these were not considered to be a part of the annual tax.

Jampa Dolma, a 56 year old farmer from Shigatse Prefecture arrived in exile on January 18, 1999. Her family of 8 members had 8 "ru-khel" of land and every year they faced a shortage of cereals and their annual borrowing amounted to 100 "boe" of cereals. Despite the fact that her family not produce enough and hence had to borrow to sustain themselves, she still had to pay 10 "boe" of cereals as tax annually. If she failed to pay this tax a fine of 300 yuan would be forcibly collected. This cereal tax was standardised for all the farmers despite the fact that there was a difference between the size of the families and the amount that they produced annually.

Phuntsok, a 43 years old man from Thingri County in Shigatse Prefecture arrived in exile on November 22, 1999. He reports that in 1997 the County authorities had announced an "interest free" loan to farmers and nomads from the Rongshar township and they called it the "no interest" loan. As a result, many of the farmers and their families borrowed money from the county office. However in November 1998 the county authorities suddenly announced that they were collecting the interest which had accrued for the loans taken in the year 1997 and forcibly collected 30 per cent interest on the "interest free" loans. A number of the farmers had to sell their cattle and in some cases even their roof sheets to repay the interest on the loan.

Dakpa Gyatso, 25 years old monk of Gartse Monastery arrived in exile on April 23, 1999. His family are nomads in Amdo (Chinese: Qinghai). He reports that in 1997 the Chinese authorities had collected 1,000 yuan from every family in his village for the expenses of demarcating grazing land and erecting fences around it. He said that since 1995 the Tibetan farmers had been protesting against the demarcation of their agricultural land as it would affect the productivity of their livestock; but the Chinese had exercised their power to suppress these protests. Thus not only did the Chinese demarcate his lands, adding further risk to their livelihood but they also levied a tax upon the people for their acts.

Khedrup, 21 years old monk of Golog Monastery in Qinghai province arrived in exile on May 5, 1999. At the age of 15 he entered a monastery and after two years he had gone back to work with his parents who are semi nomadic. Reporting on the taxes imposed on his family he says that even if the nomads wanted to slaughter their animals they had to take permission from the Chinese authorities as the animal skins were collected by the authorities as tax. He also reported that if the authorities discovered any slaughter that had taken place without their permission then all the meat and skin were confiscated from the nomads.

Sonam Ai-nyen, 26 years old monk of Khapshong Monastery in Sersher County, Kandze, "TAP" arrived in exile on May 21, 1999. He reports that when there is a failure to pay the taxes on time, the authorities either fine them, call them for "compensatory work" or confiscate their animals. Hence despite the difficulties involved, the nomads ensure that they pay the taxes on time to ensure that they are not called up for compensatory work.

Gelek, 64 years old farmer from Kandze, "TAP" in Sichuan Province arrived in exile on June 7, 1999. He reports that his family had around 6 "mu" (1 mu = 67 square meters) of land and that their annual crop production was around 4000 gyama of cereals. He paid 270 yuan as land tax in 1998, a human tax of 240 yuan for his four family members were also paid. In addition, he had to pay tax on grass, animals, the collection of "yartsa gunbhu." In total his family had to pay 1,200 yuan to the Chinese authorities and if they could not pay it on time then the authorities charged double the amount in the next year.

Taklha Kyab, 29 years old teacher from Tsigorhang County, Tsolho "TAP" arrived in exile on December 10, 1998. He reports that in village areas, not only were there taxes on their animals but they were also taxed for the road and official instructions. He says that most of the nomads in his village sell wool and animal skins but their trade is declining and 80 per cent of them owe large amounts of money to the county banks or the money lenders.

Tsering Yangchen, an 18 year-old farmer from Meldrogungkar County in Lhasa arrived in exile on June 6, 1999. She reports that in his village the farmers have to pay taxes even when there is very low crop production. When there is a crop shortage, then the authorities accept other material things in place of the cereals, which the farmers are supposed to pay as annual tax.

Based on the testimonies of the Tibetan refugees it is possible to discern a recurrent pattern, which downgrades the right to subsistence and these can be summarized thus:

The taxation policy covers almost every aspect of the right to subsist ranging from taxes on human life, animals, grass, herbs, animal skins, education even if there is no education provided. Thus while there exists a right to subsist the means to it are severely impaired.

The system is a closed self-referential system, which defines even the rules in cases of disobedience to the law. These rules include the imposition of further taxes and fines, ignoring the fact that, the rules were disobeyed due to an inability to pay in the first place. These fines are also coupled with the arbitrary power of imposing punishments in the form of forced labour thereby giving the authorities unlimited power.

The administrative structure created is arbitrary and both the taxes and the fines depend on the authority collecting them. There is a clear absence of any accountability or provision for appeal against what are, in most cases, harsh and unfair taxes.

Urban Taxation

While it is claimed by the Chinese government that the taxes imposed in Tibet are far less compared to the ones in China, the fact remains that most of these incentives benefit the immigrant Chinese who have settled in cities like Lhasa. It has been reported by a number of Tibetan refugees that most of the trade in the cities are dominated by Chinese traders and the Tibetans in the urban area are largely unemployed. Even in cases where Tibetans attempt to run a business in the cities they find it extremely difficult to carry on the trade because of the severe taxation system. If an aim of the Chinese government is to encourage trade in Tibet in order to assist the Tibetans then the system of taxation derives the opposite results.

Kelsang Gyaltsen, a 33 year-old man who worked in the Peoples Congress in Kandze, "TAP", Sichuan Province arrived in exile on May 12, 1999. He reports that a friend of his runs a shop in Lhasa and he has to pay 700 to 1,000 yuan as a monthly tax. He also has to pay 30 yuan as sales tax, 10 yuan for cleaning tax, 20 yuan as "fire security" tax, 30 to 50 yuan as town development tax, 80 to 100 yuan for "Lobso" tax, 20 yuan for security tax, 100 to 200 yuan as "rim ghok" tax and 140 to 500 yuan for selling electronic goods.

Compulsory Labour

Article 7 of the ICESCR states:

The State Parties to the present covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- a) Remuneration which provides all workers, as a minimum, with :
 - i. Fair wages and equal remuneration for work of equal value without distinction of any kind
- ...

Article 8 (3)(a) of the ICCPR states that:

No one shall be required to perform forced or compulsory labour.

It is evident from the accounts of Tibetan refugees that these rights are being violated by the Chinese authorities under the pretext of either being punished or terming the labour as "voluntary labour". This semantic guise for what is actually forced labour is also enshrined in the constitution of China and Article 42 of the constitution provides inter alia that "[t]he state encourages citizens to take part in voluntary labour."

Jinpa, a 26 year-old who was semi-nomadic from Rongshar township, Tingri County, Shigatse Prefecture arrived in exile on January 23, 1999. He reports in addition to an annual payment of 5 gyama of butter, 285 gyama of fodder grass, 5 to 6 skins of dri or yaks to the Chinese authorities he also had to go as forced labour to construct roads, buildings and lumbering. This labour was done without any payment and it was called "work as tax."

Tenzin Dargy, a 26-year old from Phenpo Lhundup County arrived in exile on March 3, 1999. He reports that when the Chinese were building offices in his county every village had to send labourers to work on these buildings. They had to carry their own food and if they refused then they were fined 16 yuan a day. The work consisted of carrying stones from sunrise to sunset with just two hours of break a day.

It is important to bear in mind that irrespective of the terminology of the labour one needs to consider the circumstances under which the labour is demanded, the implications of refusing such "voluntary labour", the conditions of work and the remuneration.

Health and Social Welfare

Article 12(1) of the ICESCR provides that:

The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

In keeping with the high rates of taxes imposed on the people one would expect a corresponding duty imposed on the state in providing for its citizens at least the bare minimum required in terms of health and social welfare. But from the testimonies of the Tibetan refugees it would seem that the state has absolved itself of its responsibility in the area of health and welfare.

Ngawang Dhondup, 24 years old farmer from Ngamta village in Zaku township, Kandze "TAP", arrived in exile on June 2, 1999. He reports that his family had 6 "mu" of land allocated to three members of his family. Their annual cereal production was around 2000 gyama and they had to pay 6 to 8 gyama of cereals per member of the family as tax. In his village there are around 60 families with a population of around 500 and most of the villagers are farmers. Their village has no motorable roads, they have no electricity, shops, clinics or schools.

Norbu, 18 year-old man from Dhargay township, Meldogungkar County in Lhasa, arrived in exile on March 15, 1999. He reported that his family always faced food and cereal shortage and had to buy additional cereals from the market. His house has no electricity and there is only one clinic in his town but the villagers had to pay "charges" even for small medication.

In the urban context with the rise of prostitution in Lhasa there is an increase in the threat of AIDS. The existence of AIDS in Lhasa is not acknowledged officially and its extent is not known. A lack of effective education due to the closed nature of Lhasa society could impact on the lives not only of Lhasa citizens but also on migrant workers and Tibetans from areas including Kham and Amdo who visit the city and are drawn into the sex trade.

Housing

Clarifying the nature of the right to housing provided by Article 11(1) of the ICESCR a Committee on Economic, Social and Cultural Rights has stated that "the right should not be interpreted in a narrow or restrictive sense that equates it with, for example merely having a roof over one's head or view shelter exclusively as a commodity. Rather it should be viewed as the right to live somewhere in security, peace and dignity."

For a number of Tibetans this right even in it's most basic sense of having shelter is not provided as most of them do not have even the most basic housing available to them. With respect to the other constituting elements of the right, these are constantly violated by the policies of the state like high taxation for basic amenities etc.

Tsering Gyatso, a 17 years old student from Dzongse County, Ngaba "TAP", Sichuan province, arrived in exile on April 30, 1999. Despite the fact that his family had to pay a number of taxes they lived in a tent during the summer and in the winter they made a small grass house to accommodate their family. They don't have any electricity or any other facilities.

Prostitution

One of the proclaimed tasks of the Chinese Communist Party in Tibet in 1949 was to eradicate prostitution and other "social evils". However the policy of urbanisation carried out with great zeal has increased the population in Lhasa seven fold.

It has been reported that "[a] conservative estimate of the number of brothels where prostitutes can ply their trade in Lhasa municipality is approximately 1,000 and this is only taking into account those places whose sole function is as a place where prostitutes can carry out their services to their clients."

While it is reported that most prostitutes in Lhasa are Chinese there is also a growing number of Tibetan girls working in the business, some who are as young as 13 or 14 charging as little as 3 to 4 pence for sex. Most of the Tibetan prostitutes are from rural areas in "TAR" and also from Kham and Amdo. Many of them come to Lhasa to work as domestic servants and when they can no longer earn a living doing this they turn to prostitution.

A Tibetan monk who is now in exile reports that "[t]he restaurants with Tibetan prostitutes started appearing in around 1994 and 1995. The girls end up on the streets of Lhasa because they don't have any work. They are mostly from the countryside, especially from Kham. They mostly come to Lhasa in groups, having set out from home with their friends. Finding that they can't get any work, they have no choice but to enter this business. They find themselves incapable of begging because they are too self conscious to do."

Most of the prostitutes in Lhasa service the Chinese migrants especially the large army personnel. In Lhasa they are not so concerned about their moral contribution to society or their reputation in the community, nor are they concerned about a general decline in social behaviour.

The rapid economic development of Lhasa has created an environment in which prostitution and associated trades such as pornography can thrive. Prostitutes, pimps and brothel owners from outside Tibet who were originally encouraged to settle into Lhasa by economic policies that worked in their favour, are now effectively encouraged to stay because a market has developed for their activities in an unregulated environment.

Conclusion

More often than not economic growth takes place at a certain social cost. The violation of the Tibetan peoples right to subsistence indicates that there exist parallel economies in Tibet. There is a divide between the developed urban (Chinese dominated) economy and the underdeveloped rural (Tibetan dominated) economy. Within the urban economy there is a divide between the Chinese migrants and the poorer Tibetans. The economic growth that has taken place in the urban economy has crystallized as a result of the pro-active role of the state

in providing subsidies in ensuring a certain form of planned development. The costs of these subsidies are partially borne by the poor Tibetan farmers and nomads.

While it has been a consistent claim of the Chinese authorities that civil and political rights cannot be realised without the realisation of economic and social rights, its policies towards the Tibetan people reveals a dual violation of both these sets of rights. Economic policies of a state can result in regimes of inequality and the various economies of exploitation in history have revealed the necessity of underdeveloping the marginal economy. In Tibet the social cost of the economic policies of the Chinese government plays itself out as the violation of the right to subsistence of the Tibetan people.

Enforced Disappearance

In 1999, TCHRD received 16 new cases of enforced disappearance of Tibetans. Of the 12 cases of disappearance reported in 1998, the whereabouts and conditions of three persons remain unknown.

China consistently violates international law norms, as there have been a number of politically related disappearances. Tibetans are arbitrarily arrested for staging peaceful protests, for not complying with the members of the Chinese "work team", and taken into unknown locations. The families of the victims also suffer as they are not provided any information about the whereabouts and condition of the victims. There have also been cases of intimidation of relatives seeking information of the arrested.

The fate of the 10 year-old boy, Gedhun Choekyi Nyima, recognised by the Dalai Lama in 1995, as the reincarnation of the XI Panchen Lama is unclear till date. It is not known whether he is under house arrest or some other form of custody. Conflicting reports speculate on his whereabouts and state of health. Chinese authorities repeatedly denied requests, including one by the UN High Commissioner for Human Rights, for access to the boy.

International Law

Enforced disappearance has been understood to include acts whereby "persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organised groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the government, followed by a refusal to disclose the fate or whereabouts of the persons..."

Article 2 of the Declaration on the Protection of all Persons from Enforced Disappearance states that:

No state shall practice, permit or tolerate enforced disappearance.

Article 9(1) of the ICCPR guarantees that:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

New Cases of Disappearances

Dakpa Gyaltsen, a 24 year-old monk from Siling (Ch:Xining) Tibetan Medical School in Sakyil village in Rebkong County, Malho "TAP" was arrested on April 7, 1999 by the Rebkong County PSB. The officials accused him of distributing pictures of the Dalai Lama and the XI Panchen Lama, Gedhun Chokyi Nyima. Gyaltsen is reportedly detained somewhere in Siling.

Dorpa, a 33 year-old from Achok township in Sangchu County of Gansu Province, Gannan "TAP" was reportedly detained in 1997. Chinese officials discovered a book on Tibetan political history written by W. D. Shakabpa in his house. He was sentenced to two and a half year's imprisonment. After spending a year and a half in Chone County Detention Centre, he appealed and was subsequently released. He was a teacher in Ganlho Ethnic Middle School. Since June-July 1998, his whereabouts is unknown.

Ngawang Choejor, Tselo and Geyphel were arrested at the end of 1996 for removing a Chinese national flag and replacing it with a Tibetan national flag in the Lhamo township Primary School. Choejor and Geyphel were initially detained in Kanlho (Ch: Gannan) CDC, and Tselo was detained in Luchu CDC and later transferred to Chone CDC. Their current whereabouts, sentences and conditions are unknown.

Ngawang Tenzin (21), Gyaltsen Jangchup (21) and Namdol Choedon (22) from Taklungdrag Monastery were arrested after staging a peaceful protest during the celebration of the 50th anniversary of the People's Republic of China on October 1, 1999. The monks were arrested by Lhasa PSB and their present whereabouts and conditions are unknown.

Penpa Tsering and two other monks from Namom Monastery of Phenpo Lhundrup County, Lhasa Municipality, were arrested on May 31, 1999 for pasting "Free Tibet" posters on the gates and walls of the Tso-toe town office. According to unofficial sources, Phenpo Lhundrup County PSB officials arrested the three monks who were subsequently taken to Lhasa. The location and current whereabouts of the three monks are unknown.

Lhakpa Dorjee, a 30 year-old farmer from Nyangdren town in Lhasa City was arrested by the Lhasa PSB on August 3, 1999 on suspicion of carrying out political activities. His present whereabouts and condition are not known.

Rinchen Dolma, a 20 year-old student from Qinghai Minority Nationalities Preparatory School was detained in April 1996. Dolma's current status and location is still not known.

Since July 1998, two Drapchi prisoners, **Phuntsok Wangchuk** and **Lobsang Lungtok** disappeared from Drapchi Prison Unit 5. Chinese authorities held both of them incommunicado for more than 14 months after they participated in the May 1 and 4 protest in Drapchi Prison in 1998. Wangchuk is a 23 years old former middle school student from Tsethang villlage in Nedong County and origin is from Chongyas village in Lhoka Prefecture. Wangchuk was arrested in June 1994 for pasting posters around the town and was sentenced to five years. Lobsang Lungtok, 26 years old monk from Gaden Monastery, is resident of Nyangdren town. Lungtok was arrested on March 20, 1992 and was sentenced to seven years. Their current whereabouts are not known.

Lhakdron a 39 year-old, from Nyangdren village in Lhasa City was arrested in August 1999, by the Lhasa City PSB, following the arrest of her husband Tashi Tsering. Her present conditions and whereabouts are unknown. Tashi Tsering was arrested on August 26 for

attempting to bring down the Chinese flag and attempted to light an explosive device when PAP officials arrested him. Tashi Tsering later died in the first week of October in 1999, after repeated beatings by the police.

Disappearance Cases Reported in 1998

Tsering Dorjee, a 33 year-old monk from Thekchen Jangchup Choeling Monastery, Nyagchuka County, Kandze "TAP", disappeared when the PSB arrested him for the second time in December 1997. He was first detained in September 1996 by the PSB on suspicion of having distributed pamphlets during the inauguration ceremony of Lithang Monastery. His present whereabouts is unknown.

Kelsang Thutop is a 32 year-old monk from Taktsang Lhamo Monastery, Luchu County, Gannan "TAP" in Gansu Province. Kelsang was arrested in December 1996 on charges of raising the Tibetan flag and distributing independence leaflets in the monastery. According to Thinlay Gyatso who witnessed Kelsang Thutop's arrival at Gannan Prison, Kelsang was held for three days before being transferred. It is not known where he was taken.

Racial Discrimination

In 1981, China ratified the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). This convention forbids any form of discrimination in the exercise of one's political, civil, social, economic, and cultural rights. Article 4 of the Chinese Constitution reflects similar concerns wherein it prohibits "discrimination against and oppression of any nationality." Despite the existence of such legal guarantees, discrimination against Tibetans is widespread.

In 1999 Tibetans continued to face unequal and unfair treatment in the fields of public representation, education, employment, housing, and health services. Moreover, the deliberate policy of population transfer of ethnic Chinese into Tibet is exacerbating discrimination against Tibetans and constitutes a threat to the survival of Tibetan culture and identity.

International Law

Every major international human rights instrument dealing with the protection of human rights, either on the universal or regional level, contains a provision prohibiting racial discrimination.

Article 1 (I) of CERD defines racial discrimination as:

... 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.

Article 5 of the CERD declares that the State Parties undertake to prohibit and eliminate racial discrimination and guarantee the right of everyone to the enjoyment of political, civil, economic, social and cultural rights. These rights are also guaranteed in the International

Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), signed by China in 1997 and 1998 respectively.

The Chinese government's White Paper on Minorities Policy, issued on September 27, 1999, states that China has "conscientiously performed the duties prescribed" in CERD and other international conventions. Testimonies from Tibetan refugees, however show that China continues to violate its obligations under international law.

China's Domestic Law

China's White Paper on Minorities Policy emphasises that special policies have been adopted by the Chinese government to guarantee the right to equality amongst all ethnic groups in social life and government activities:

In China, equality among ethnic groups means that, regardless of their population size, their level of economic and social development, the difference of their folkways, customs and religious beliefs, every ethnic group is a part of the Chinese nation, having equal status, enjoying the same rights and performing the same duties in every aspect of political and social life according to law, and ethnic oppression or discrimination of any form is firmly opposed.

Article 4 of the Chinese Constitution states that, "[d]iscrimination against and oppression of any ethnic group are prohibited." The Tibetan people are also guaranteed the right to regional autonomy by the Constitution and the Law on Regional National Autonomy.

The denial of the Tibetan people's right to autonomy, and discriminatory policies on education, employment, housing, and health provide evidence of the Chinese government's violation of its avowed norms.

Public Representation

Article 5(c) of CERD states that State Parties should guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to enjoy:

Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level ...

China's Constitution and the Law on Regional National Autonomy guarantees the political rights of the Tibetan people, including the right to vote and stand for election on a non-discriminatory basis, and the right to autonomy: "[o]rgans of self-government are established for the exercise of autonomy and for people of ethnic minorities to become masters of their own areas and manage the internal affairs of their own regions." The Chinese government claims that "the minority and Han peoples participate as equals in the management of affairs of the state and local government at various levels." These rights enshrined on paper seem facile if one considers the fact that discrimination of the Tibetan people in the field of public representation continues.

While one may see a number of Tibetans holding positions of authority at the regional, prefectural and county level they are merely nominal. All significant decisions are taken by

the Chinese Communist Party (CCP). This is evidenced by the integral role of the National Forums on Work in Tibet. These Work Forums consist of senior Party leaders and has been the major policy organ for Tibet since 1980. The situation for the Chinese in Tibet is complex; the CCP's problem is "how to make it appear that Tibetans rather than Chinese are running the system, when that system has already been made more complicated by the need to make it appear that it is run by a government and a legislature rather than by a political party."

The appointment of Tibetans to government positions is a highly selective process resulting more often than not in the appointment of officials who are politically "pure" and loyal to the policies of the Communist Party. In February 1999 a campaign was launched in Tibet which aimed at enhancing the "ideological and political quality" of cadres in the "TAR". Cadres are not allowed to sympathise with the Dalai Lama or support any pro-independence activities. The campaign also stresses that cadres are required to take a positive stand on the economic reform and "opening up" policies, which involve influx of a huge number of economic migrants from China. Previous campaigns have included inspection of the homes of cadres for pictures of the Dalai Lama and other religious articles, and the requirement to withdraw their children from Tibetan schools in India.

This selective process is evident even in elections at the village and county level. Testimonies of Tibetan refugees indicate that these elections are merely an attempt at legitimising the Chinese claim that the Tibetan people enjoy democratic rights and autonomy. The candidates standing for election are selected by deputies at the higher level (county or prefecture) for their "political purity" and loyalty to the Party.

An anonymous 29 year-old from Sotson township in Chamdo Prefecture, "TAR", reported in November 1999 that there is a voting system in his village, but that the elections are just a "show." Even if a Tibetan stand for election and the majority vote for him, another person, selected by the Chinese authorities, will be "elected." According to Soepa, a monk from Pelbar County in Chamdo Prefecture who fled Tibet in October 1999: "There is a voting system in my village but it is all predetermined. The Chinese authorities determine who is friendly with China and select them." Kunsang Gyal, a 23 year-old from Themchen County in the Tsonub "TAP", Qinghai Province arrived in exile in August 1999. Gyal explained that according to the election laws of China, no person has the authority to dismiss a leader of any county who has been elected by the People's Congress of that county. However, in Themchen, many Tibetans who had been elected have been removed by the higher-level prefecture authorities for no justifiable reason. The elected Chinese officials are retained for the full term. The Tibetans who are either dismissed or transferred, are often replaced by Chinese. Gyal further described how all candidates in a county election are nominated by the higher prefecture leaders. The Tibetans have no choice but to elect a candidate from the list provided. The composition of political leaders in Kunsang's county demonstrates the disproportionate representation of the Tibetan population that occurs with such an unfair election system. Amongst the four deputy governors in Themchen, two are Tibetan and two are Chinese, although the vast majority of inhabitants are Tibetan.

Discrimination in Education

Article 5 (e) (v) of the CERD guarantees, without discrimination of any kind:

The right to education and training.

The Chinese government's Education Law reiterates this, stipulating that:

Every citizen shall enjoy equal educational opportunities regardless of race, nationality, sex, occupation, financial status and religion.

In China's White Paper on Minorities Policy, education of minorities is stressed as being "of paramount importance to the improvement of the quality of the minority population and to the promotion of economic and cultural development in ethnic minority areas." Despite these guarantees, discriminatory policies and practices in the field of education continue to marginalise Tibetan students.

Information from Tibet highlights the absence of equality in the educational sector. The structure and funding of the educational system itself is discriminatory and serves to impede rather than promote Tibetans' participation in the development of their own country. The Chinese government has made large investments in education in the last two decades, but priority is given to the more affluent areas in the east of China rather than the poorer minority areas in the west. In Tibet, construction and funding of schools in urban areas is prioritised over rural and poor areas. More than 80 per cent of Tibetans in Tibet live in rural areas while the majority of Chinese settlers live in towns and cities. It is the Chinese who primarily benefit from the government's investment in the educational sector.

In its White Paper on Minorities Policy, the Chinese government claims that about 81.3 per cent of school-age children now attend school in the "TAR". This high figure is questionable. A study on education in the "TAR" estimates that at least 30 percent of Tibetan children do not receive any education at all. In rural areas, if at all the children attend school, it is for a maximum of one to three years. The majority of Tibetan children drop out of the education system before the start of secondary school - in 1995 only 12.3 percent of junior secondary school-age children were enrolled in schools. The explanation for the low school attendance and high drop-out rate appears to be the irrelevance of school curricula, language problems and financial constraints.

It is claimed by the Chinese government that the "organs of self-government of autonomous areas may decide their own local education programmes." Contrary to this, the actual decision-making power lies with Communist Party officials. The Chinese policy for education in minority areas lay more emphasis on patriotism than academic achievements. The course content in the majority of schools is centralised and uniform with focus on Communist ideology and Chinese history, language and culture. Many Tibetan children report that they have been subject to such indoctrination in class and Tibetan teachers fleeing Tibet report that the students and themselves were prohibited to talk about topics such as Tibetan history and the Dalai Lama. Many parents, particularly in rural areas, consider it futile to send their children to school, as the curriculum taught will not have any utility in their daily life or lead to any social advancement.

The Law on Regional National Autonomy stipulates that schools where most of the students come from minority nationalities should "use textbooks in their own languages and use these languages as the media of instruction." Most Tibetan children do receive their primary education in Tibetan language. However, secondary schools use Chinese as medium of instruction thereby disadvantaging Tibetans. Entrance exams for secondary schools are generally in Chinese language and Tibetans thus face problems being admitted into schools. The widespread use of Chinese in the education system in Tibet discriminates Tibetan

students and contradicts the Chinese national legislation and as the government's claim that when minority students are a majority in an educational institution, the language of this ethnic group is used to teach.

According to the Convention on the Rights of the Child, primary education should be free and available to all. In 1994 a process of making primary education compulsory in the "TAR" began. Article 10 of China's Compulsory Education Act states: "The State shall not charge tuition fees for students attending compulsory education." Contrary to this, reports from Tibet indicate that Tibetan children are charged high school fees and various fees for stationary and uniforms for primary, secondary and higher education. Moreover, Chinese children often attend the same schools at less or no charge. Considering that a great number of Tibetans face financial strains, such fees prohibit children from entering primary school, or from continuing their education after primary school. Tibetan refugees also report the widespread corruption in the admission procedures and of discriminatory enrolment procedures.

Dukar Kyi, a 30 year-old semi-nomad from Ngaba County, Ngaba "TAP" in Sichuan Province arrived in exile in March 1999. She told TCHRD that she sent her eldest daughter to school in the village for two months, but due to high school fees she discontinued her schooling. A fee of 500 yuan was annually collected from the parents. Furthermore, if parents did not send their "aged" children to school, they would be fined 500 yuan.

Twenty-two year-old **Gonpo Sonam** from Dzoge County, Ngaba "TAP", Sichuan Province who arrived in India in June 1999, stated that school fees were charged on a discriminatory basis during his studies at Nubjang Higher Nationalities School from 1993 to 1996. The Tibetan students were required to pay 700 yuan for each semester, the Chinese students attended at no charge. From August 1996 to December 1998, Sonam worked as a teacher at Ngaba Middle School, teaching Tibetan grammar and books written by Mao and other Chinese leaders. The teachers were instructed not to make any "counter-revolutionary" statements to the students. Despite the prohibition, Sonam once spoke of the importance of national identity and language. He was removed from his post as a class teacher, and later lost his seat at a teacher-training course in Lhasa.

A **17 year-old boy** from Lhasa City, who prefers to be anonymous, attended Lobdring Nyiba middle school for three years. All of the students were Tibetan and he described his middle school to be the worst in Lhasa when it came to both facilities and quality of teachers. Every three months he had to pay 560 yuan as school fees. No concessions were given to poor children, and those who could not afford to pay were expelled. The better schools were more expensive, but still the poor Chinese children were admitted into these schools. If his parents could have afforded it, they would have chosen a better school. The boy reported that they were not allowed to learn Tibetan history in school; if they talked about Tibetan history or the Dalai Lama, the teacher would call the student's parents and interrogate them. Some of the Chinese teachers would report the case to the police and then the student would be beaten.

Kunsang Gyal, a 23 year-old from Themchen County in the Tsonub Mongolian and "TAP", Qinghai Province, arrived in Dharamsala in August 1999. Gyal studied at the Tsonub "TAP's" Nationalities Teacher Training School for three years. In this school there were 380 students, of which 240 were Chinese, 60 Tibetan and 60 Mongolian. The remaining 20 were from other ethnic minorities. Although the school was established for minority groups, the school admits more Chinese students than all minority groups combined. In fact, the school has established a quota system that limits admission for Tibetans to 60 students and the same

for Mongolians. Gyal stated that accepting more Chinese students is a direct contradiction of the purpose of the school.

Nyima, 15 years old from Bathang County, Kandze "TAP" in Sichuan Province arrived in Nepal in November 1999. He attended the Mimang Lobchung (primary school) in Bathang County from the age of seven to 14. The students were divided into a Tibetan and a Chinese section. The Tibetan section had 200 students, while the Chinese section had 350 students of which 10 were Tibetan. The medium of instruction in most classes was Chinese, and Nyima told TCHRD that he was once beaten by a Chinese teacher for speaking Tibetan in a Chinese class. Due to his lack of fluency in Chinese, Nyima had problems following the lessons. Chinese classes included the teaching of socialism and the history of the Chinese nation, while no Tibetan culture, history or religion was taught in Tibetan classes. All the cleaning and manual work around the school were done by the Tibetan section students. The Chinese section was exempted from this work. Nyima discontinued his education because his parents were unable to pay the high fees for middle school. In 1998, around 60 students graduated from his primary school, only 15 of them were Tibetan. Three of these Tibetan students could afford to study further in middle school, because their parents were working at the school.

Discrimination in Employment

Article 5(e) (i) of the CERD states that everyone, without discrimination, should enjoy:

... the rights 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.

Throughout 1999, TCHRD received reports on widespread discrimination against Tibetans in the field of employment.

The "TAR" authorities have introduced a number of preferential policies, mostly of a financial nature, to attract individuals to Tibet. Following the Third Work Forum on Tibet in 1994 the "TAR" authorities stressed that the Tibetan people "...should encourage traders, investment, economic units, and individuals to enter our region to run different sorts of enterprises." This was reiterated by Legchog, chairman of the "TAR" People's Government, in 1999 when he emphasised that "Tibetan Party and government cadres in the "TAR" ... are required to welcome ever more economic migrants from outside the region setting up businesses in the "TAR" The influx of an increasing number of Chinese officials, workers and businessmen aggravates discrimination of Tibetans in the employment sector.

It has been claimed that in Tibet, "[s]peakers of different languages are treated equally in the recruitment of workers, cadres and students, with priority always given to Tibetan speakers." Contrary to this, refugees who arrived in exile during 1999 reported that the dominance of Chinese people and Chinese language in the field of employment has made it difficult for Tibetans to obtain jobs, as the employers require fluency in Chinese. Even in traditional Tibetan businesses like sewing aprons and traditional dresses and producing and selling khatas (silk scarves) Chinese immigrants are becoming dominant, thus taking job opportunities away from Tibetans. Refugees report that it is easier for Chinese to obtain the necessary permits and loans for doing business, further marginalising Tibetans in the economic sector. Some of the refugees, who have been dismissed from their jobs, feel that the dismissal was discriminatory in nature. It has been alleged by Tibetan workers in various

sectors, like factories and construction, that they are generally allocated the hard manual work and that they are underpaid compared to Chinese workers, even accounting for the skill difference. Tibetans widely report that local authorities require families to contribute free work for the construction and maintenance of roads and buildings as a "contribution to the community."

Luthar Gyal, a 22 year-old from Malho "TAP" in Qinghai Province worked at the Tongren County Gold Refinery in Mapa village from 1996 to 1998. The refinery employed a total of 170 workers, out of which 20 were Tibetan. The Chinese workers were paid around 500 to 800 yuan per month, while the Tibetans were paid 200 to 400 per month. Gyal reported that the Tibetan workers had to do the manual and physically risky jobs. In September 1998, Gyal went to Lhasa on pilgrimage and stayed for 10 days; when he returned to work, authorities told him that he had been dismissed for having attempted to escape to India.

A **38 year-old Tibetan man** from Shigatse Prefecture in "TAR" fled Tibet in October 1999. Trained as a mechanic in the army, he worked in an electric army factory close to Drepung Monastery from 1985 to 1993. He was paid 400 yuan per month, while Chinese workers who worked at a lower level and who had no professional knowledge were paid a minimum of 1400 yuan per month. If a Tibetan made a mistake he would lose his job. If a Chinese worker made the same mistake he would not be punished. In 1993, he was requested to join a "spy office", to go to India to gather information. When he refused to join the office, he was dismissed. After being dismissed from his work in the factory, he worked in a Chinese-owned garage for two months. The Chinese mechanics working in the garage received housing at no charge, while he had to pay for his room. One day he talked to his Chinese boss about there being no human rights for the Tibetans, and his boss dismissed him from his job for "not working on the Chinese' side." He described how the Chinese take job opportunities away from Tibetans; "The Chinese are copying everything in Tibet. If some poor Tibetans try to make a living out of stitching, then Chinese will take a photograph of the pattern, and make the same thing in better quality. They do this to disgrace the Tibetans and to take their work. The only thing they have not copied is the sky burial."

Thupten, a 28 year-old from Lhasa City, worked as a tourist guide in Lhasa for a total of three years, between 1994 and 1999. To work as a guide he had to obtain a permit which had to be renewed annually. There are many tourist agencies in Lhasa, all run by the government, and the total number of tourist guides is around 300. An increasing number of the guides are Chinese, and according to Thupten their work conditions are very different from the Tibetans'. The Chinese are provided with all the facilities, included housing, and do not have to renew their permits every year. The Tibetan guides are generally instructed to refrain from talking about Tibetan freedom or human rights, and are at times followed by a spy in plain clothes. The guides only realise this when they later are interrogated for having said a particular thing at a particular place. In 1997, the Tourism Bureau of "TAR" dismissed 69 tour guides as they felt there was a need for improvement in the "political behaviour" of tour guides. According to Thupten, six other tour guides were placed on a list of guides who were considered to be too political in their outlook. Thupten was among these. He believes this is the reason why he was unable to renew his permit in 1999. According to Thupten, there are plans to introduce an exam in Chinese which must be passed to receive a permit as a tourist guide. This means that many of the Tibetans will face problems with getting and renewing their permits.

Chakmo Tso (30), a journalist from Themchen County in the Tsonub "TAP", Tsongon Province (Qinghai), arrived in India in December 1998. In Tibet, she worked for a newspaper, "Tsongon Mimang Nyin-re Tsakpar", where the staff is mainly Chinese. Out of the 500 employees only 38 were Tibetan. The newspaper was established in 1958 and publishes in both Tibetan and Chinese. However, the negligence towards the Tibetan paper is evident from the allocation of funds in the office. The Chinese paper is published every day while the Tibetan paper is published on alternate days. To collect news or write an article on farmers or nomads in Tibet, a Tibetan journalist has to get special permission from the Chinese editorial section. Most of the news is either translated from Chinese or collected by Chinese journalists, and there is no editorial freedom. The Tibetan journalists are required to begin their articles praising the Chinese government, otherwise their reports are not accepted by the Chinese editors.

Nyima Tsering, a 26 year-old from Lhasa Municipality, arrived in exile in May 1999. In 1996 he applied for and received a job in a "TAR" insurance company. The company conducted the job selection test in Chinese and the applicants who were not fluent in Chinese were rejected. There were many young Tibetan applicants who were well educated and had completed middle school; however, they were all rejected as their knowledge of Chinese was not good enough. Tsering reported that in Lhasa most of the job selections are based on the applicant's knowledge of Chinese.

Soepa, a 38 year-old monk from Pelbar County in Chamdo Prefecture, "TAR", arrived in exile in October 1999. He reported that in 1999 a number of monks in his monastery were called for compulsory labour without pay for one month. If they did not comply, they would be fined 100 yuan. The Tibetan workers were given a time limit to finish their work, and therefore had to work very hard. All the difficult manual labour was given to Tibetans. The Chinese workers were given the light work and they were paid. According to Soepa, no Chinese had to do forced-labour. The Chinese said that since the construction was done for the Tibetans, they should contribute through their labour. In reality the construction project was a residence building for Chinese officials.

An **anonymous 20 year-old male** from Kandze County, Kandze "TAP", Sichuan Province reported in March 1999 that there was a hydroelectric project at Mira Dotse, close to Derge Monastery, where the building contract was given to a Chinese who hired both Chinese and Tibetan labourers. The Chinese workers were paid 20 yuan per day, while Tibetans were paid 10 yuan per day.

Dawa Dorjee, a 25 year-old gold miner from Nagartse County in Lhokha Prefecture, "TAR", testified in February 1999 that his county's gold mine paid Chinese workers 1,000 yuan per month for operating machinery and Tibetans 300 yuan per month as unskilled labourers.

Tenpa Chophue, an 18 year-old from Lithang County in Kandze "TAP", Sichuan Province described in February 1999: "Once we built a school and then a house for one of the heads of our district; 40 people were collected and transported to the construction site. The youngest workers were 7 and 8 years old and the oldest were 40. We got no salary and had to bring vegetables from our farm for our food. If somebody did not work, he or she had to pay 10 to 15 yuan per day as a fine. We had to carry stones and do the digging. There were also Chinese workers who built the walls. They were paid about 25 yuan per day."

Discrimination in Housing

Under article 5(e) (iii) of CERD State Parties undertake to guarantee the right of everyone to equal enjoyment of:

The right to housing.

The Chinese Constitution does not contain any explicit right to adequate housing, but the fundamental need for shelter was acknowledged by the Chinese government in 1996, stating that "adequate housing [is] a basic human right."

While housing space in Lhasa and other urban areas is increasing, it is almost exclusively geared toward Chinese settlers. Tibetan refugees widely report that housing facilities are better for Chinese than for Tibetans, due to both financial reasons and the deliberate allocation of new apartments to Chinese. Tibetan living quarters have been demolished and Tibetan residents forcefully removed to make way for Chinese construction. Thupten, 28, from Lhasa reported that many Tibetan families have been approached by foreigners interested in sponsoring renovation of their old Tibetan houses, but the authorities did not allow it.

A **17 year-old boy** from Lhasa City told TCHRD that in 1997 around 150 traditional Tibetan houses were demolished in the eastern part of Lhasa. The residents were poor Tibetans who could not afford to pay taxes for their homes. They were expelled to their native villages, and were not given any compensation. After the houses were demolished apartment buildings for Chinese officials and settlers were constructed on the site.

Nyima Tsering, 17 years old from Gyatso-toe village in Lhasa Municipality arrived in exile in July 1999. He reported that before 1980 there were around 21 Tibetan families in his village and most of them were farmers. After 1980 the Chinese authorities started to confiscate land to build hotels and living quarters for retired Chinese officials. As compensation, the authorities paid only 2,000 to 3,000 yuan per mu, and no resettlement plans were initiated for the farmers. Since 1980, the Chinese have built many houses around the village for the retired Chinese officials or settlers. Presently there are approximately 300 such families living in Gyatso-toe and all their houses were built on confiscated lands of resident farmers.

Discrimination in Health

Article 5(e) (iv) of the CERD guarantees the right of everyone, without distinction as to race, colour, or national or ethnic origin, to enjoy:

The right to public health, medical care, social security and social services.

The Chinese government claims great improvement in the health sector in Tibet. While it is true that a significant number of health institutions have been established, the distribution of these is discriminatory. The majority of hospitals and medical clinics are in urban areas, serving mainly Chinese rather than Tibetans. Tibetans from rural areas report difficulties in acquiring the necessary medical treatment due to lack of health facilities.

The Chinese government claims that "[m]edical treatment is free in farming and pastoral areas, and is financed jointly by personal medical insurance and the state in cities and towns"

and that "[w]omen from minority nationalities in Tibet enjoy free medical service provided by the state."

These claims are negated by testimonies from Tibetans indicating that the Tibetan people, both men and women, are charged for all medical services, often in a discriminatory manner. This is a major barrier to health care access for Tibetans, as few have the financial resources to cover such high medical expenses. Before being admitted into a hospital one is required to pay a deposit. Tibetan refugees report that people not being able to pay the required deposit are denied treatment, irrespective of their condition. The lack of facilities and high expenses discriminates against Tibetans and deter many from seeking medical treatment.

The Chinese government continues to implement its policy of birth control in all areas of Tibet. Although Chinese women are also subjected to birth control policies, the restriction of the reproductive rights of Tibetan women must be viewed as discrimination against the Tibetan people. Given the low density of Tibetan population in Tibet there is no rational basis for controlling the timing and number of births among Tibetans.

Sangye Tsering from Tsokho township, Dingri County, Shigatse Prefecture in "TAR" described that in his village there is only one doctor, who does not have the proper medical qualifications. Furthermore, the roads are very bad making it extremely difficult to transport seriously ill people to the county hospital. Many people die of this reason.

Yeshi, 31 years old from Burang County in Ngari Prefecture, "TAR", arrived in Dharamsala in November 1999. She said that the conditions and treatment level in the hospital in Burang are poor, still the medical charges are very high. For the Chinese living in the area there is a separate hospital inside an army camp, and Tibetans are not admitted.

Conclusion

Despite guarantees under both international and Chinese national law, Tibetans continue to be discriminated against in various sectors of life.

The distinguishing feature of discrimination of the Tibetans in Tibet lies in the fact that the Tibetan people do not have any political rights, which serve as the foundational principle against which discriminatory policies or effects of the state may be measured.

The integral role of the CCP in the political sector enables policies, the effects of which result in making the Tibetan people susceptible to discrimination. The demographic changes resulting from the policy of population transfer, coupled with the premium placed on the Chinese language, results in unequal access to employment, education, housing and health services. The Chinese authorities claim that they do not have policies that are discriminating. However, evidence indicates that the larger structural policies, when translated into their microscopic effects, result in discrimination of the Tibetan people.