

# **PRISONERS OF TIBET**

2006 Special Report

*Dedicated to all Tibetan political prisoners and  
prisoners of conscience*



**Tibetan Centre for Human Rights and Democracy**

## C O N T E N T S

Abbreviations	4
Preface	5
Introduction	7
1. Tibetan political prisoner trends	11
2. Overview of the major events in relation to political prisoners since 1987 (Chronological events)	13
3. The Chinese authorities' repressive campaigns aimed at quashing <i>Tibetan political resistance</i> <i>The "patriotic education" campaign</i> <i>The "strike hard" campaign</i>	35
4. Recent change in the epicenter of political activism from "TAR" to Non-"TAR"	45
5. Chinese Criminal Law and the Criminal Procedure Law <i>Pre-trial detention</i> <i>Restrictions on the right to legal representation</i> <i>The endemic practice of torture in the Chinese criminal justice system</i> <i>Administrative detention: re-education through labour ("RTL")</i> <i>Unfair trial</i> <i>Lack of independence in the criminal justice system</i> <i>The situation in Tibet</i> <i>The crackdown on political crimes leading to violations of basic human rights</i>	49
6. Prison conditions in Tibet	61
7. Treatment of prisoners: UN human rights standards	69
Profile of current Known Tibetan Political Prisoners	81

## **Abbreviations**

<b>CCP:</b>	Chinese Communist Party
<b>EU:</b>	European Union
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>PAP:</b>	People's Armed Police
<b>PRC:</b>	People's Republic of China
<b>PSB:</b>	Public Security Bureau (the police)
<b>RTL:</b>	Re-education Through Labour
<b>TAP:</b>	Tibetan Autonomous Prefecture
<b>TAR:</b>	Tibetan Autonomous Region
<b>TCHRD:</b>	Tibetan Centre for Human Rights and Democracy
<b>UDHR:</b>	Universal Declaration of Human Rights

## PREFACE

This special report is dedicated to all past and present Tibetan political prisoners who have risked their lives in order to speak their minds and exercise their fundamental human rights and freedoms. Paradoxically, the Chinese authorities do not acknowledge the term “political prisoner” and instead maintain the myth that no one in Tibet can be detained solely on account of his or her views or opinions. The continued imprisonment of 116<sup>1</sup> known Tibetan political prisoners in Chinese administered prisons, labour camps and detention centres in Tibet, however, says it all. While the nature and location of arrest may vary, all known political prisoners have been linked to political activities deemed to “endanger state security” or “incite splittism”. Detention of Tibetans for being discovered to be in possession of pictures of the Dalai Lama or audiotapes containing his speeches is common and there are cases of Tibetans being charged for guiding Tibetan escapees into India. The actual number of Tibetan political prisoners is likely to be higher than the above-cited figure.

There are many Tibetan political prisoners whose identities have never been confirmed by foreign NGOs or independent observers. The whereabouts of many Tibetan dissidents remain unknown to their families and to the outside world. The authorities’ continued aggressive and sophisticated measures to obstruct the flow of information from within Tibet to the outside world have concealed the true situation in relation to Tibetan political prisoners. The use of detention, arrest, imprisonment, and torture of Tibetans continues to be an integral part of China’s effort to suppress opposition to Chinese rule in Tibet.

There are many difficulties in acquiring information following the arrest of political prisoners which hamper efforts to determine their exact number, date of arrest, condition, place of detention or imprisonment, sentence etc. Monitoring information on prisoners is challenging due to the isolation of political prisoners, the secrecy surrounding political trials, and the Chinese authorities’ lack of response to requests for information. The Tibetan Centre for Human Rights and Democracy (hereinafter referred to as “TCHRD”) considers all Tibetan political prisoners to have been unfairly detained and

## **Prisoners of Tibet**

### *2006 Special Report*

denied a fair trial. We attempt here to present our in-depth research on known current political prisoners in Tibet. For the above-mentioned reasons, it is difficult for us to obtain specific details about all political prisoners. This is particularly due to a bottleneck in the flow of credible information out of Tibet, multiple names (lay name, nick name or ordained name) and ambiguity on the part of informers. Often, reports of the imprisonment of Tibetan political prisoners do not reach monitoring groups until at least one or 2 years after detentions occur.

TCHRD has recorded many instances where the details of imprisonment were not known until political prisoners themselves escaped into exile after completing their prison sentences. It was only then that they were able to divulge details of their ordeals in prison as a result of the secrecy surrounding prison information, the remoteness of prisons and the strict surveillance of prisoners etc. Former political prisoners a major sources of information but they are often unable to give specific information in relation to the events they have experienced or witnessed or are unwilling or unable to dwell on the traumatic years spent in prison; years during which many have suffered incessant and brutal physical and psychological torture and inhuman and degrading treatment. Friends and relatives of political prisoners who have recently escaped into exile are also a major and valuable source of information.

TCHRD continuously updates and revises its information on political prisoners; however, owing to the above-mentioned realities, it is impossible to provide comprehensive information in relation to all Tibetan political prisoners and unavoidable that several of our profiles of political prisoners are brief and devoid of detailed information.

## INTRODUCTION

The majority of Tibetan political prisoners have been convicted of “crimes” relating to peaceful political activities - in short, for simply for exercising their fundamental human rights. They have been detained after taking part in a variety of non-violent activities, including participating in public demonstrations, printing political leaflets, raising political slogans and fly-posting political pamphlets. Here, we need to differentiate between administrative detention and formal imprisonment, the latter of which requires a judicial process. Under current law and practice, people in China, once apprehended, can be detained administratively, i.e. accused and then detained by an administrative organ in a place of detention for up to 4 years; or, alternatively, they can be subjected to a judicial process i.e. arrested, indicted, tried, sentenced and imprisoned.

It is virtually impossible to know the true number of political prisoners in Tibet as China does not allow independent organizations to visit prisons, labour camps and detention centres on a regular and systematic basis. The scant information which is available leaks out primarily through former political prisoners and newly arrived Tibetans; sometimes only years after detention or imprisonment has occurred. At this moment, many thousands of people across China, as well in Tibet, are languishing behind bars or suffering in forced labour camps simply because they displeased the authorities. Others have been detained for openly displaying their loyalty to the Dalai Lama and organizing unauthorized religious gatherings. Some are arrested for advocating Tibetan independence or for fly-posting political leaflets. All are victims of an authoritarian government that feels free to impose arbitrary punishment on anyone who exercises fundamental human rights which are guaranteed by international law and nominally protected under the Chinese constitution.

The number of known political prisoners in Tibet has halved in the past 5 years. This is partly due to the high number of prisoners known or presumed to have been released in the past few years. According to TCHRD’s database, there are, however, 116 known Tibetan political prisoners still languishing in prison, detention centres and in labour camps. In conjunction with

## **Prisoners of Tibet**

### *2006 Special Report*

TCHRD's numerous reports on human rights violations in Tibet, this report highlights the tragic human consequences of a tyrannical system in which the authorities can repress the exercise of basic rights without fear of independent scrutiny or control. Political prisoners have no recourse against the arbitrary abuse of power by security officials. For the victims of such abuses in Tibet, nominal safeguards against abuse have been swept aside. Politically motivated detention takes many forms. People suspected of political activities are taken into custody and often held for long and indefinite periods without charge or trial. Often, their families are not informed of their detention. Many people are held in administrative detention with no judicial control and even where there is not the case, Chinese criminal law allows for prolonged pre-trial detention and legal proceedings routinely flout the rights of defendants as set out in international human rights instruments.

In Tibet, the population has witnessed the intensification of religious repression; increased security and ideological control; increased limits on freedom of expression, opinion and conscience; and the continued lack of respect for the rule of law. There is a culture of fear and a palpable sense of self-censorship on the part of Tibetans and a deep seated and widespread zero-tolerance of any activity or viewpoint that is perceived to challenge the Communist Party's control over the aspects of society it deems crucial on the part of the authorities.

Most political prisoners are arrested for peacefully exercising their right to freedom of expression, opinion, religion, assembly or other fundamental human rights and a large proportion of them are monks or nuns. There has been a steady decline in the known number of new detentions in central Tibet since 1997; concurrent with the implementation and intensification of the "patriotic education" campaign which requires monks, nuns and lay people to denounce the Dalai Lama. However, the number of monks and nuns known to have been detained as a result of opposing the patriotic education campaign is a small fraction of those who have been expelled from their monasteries or who have fled Tibet.

According to TCHRD's database, 88 known Tibetan political prisoners have died since 1987 as a direct result of torture and inhuman treatment in prison. Drapchi Prison, where many political prisoners have been incarcerated, has a fearsome reputation for the maltreatment of prisoners.

## *Introduction*

The introduction of forced military-style exercises was one of the most negative developments in the prison's routine and former political prisoners have reported that it has had a harmful impact on the health of most political prisoners.

Many detainees are never charged or tried at all. Police or PSB official accusations against them are simply considered by administrative committees (on which police representatives sit). These committees, which are part of the local government administration and therefore subject to political pressure, decide on terms of administrative detention which can be up to 3 years of "re-education through labour" (hereinafter referred to as "RTL"), with the possibility of a further year being added subsequently. In many cases, detention is used as a method of intimidation, for instance, of religious activists, advocates of Tibetan independence and those demanding greater political or civil rights, who are often repeatedly detained. Only the details of a small proportion of those who are regularly harassed, beaten and abused appear in this report.

Prisoners accused of "endangering state security" in Tibet, who in most cases have neither used nor threatened to use violence, can be described as political prisoners. An examination of the profiles of known Tibetan political prisoners shows that the two largest categories of offence leading to arrest are demonstrating and distributing leaflets. TCHRD is concerned about all Tibetan political prisoners. Many are considered to be prisoners of conscience (people detained for their beliefs or because of their ethnic origin, sex, color, language, national or social origin, economic status, birth or other status, who have not used or advocated violence). Even after their release from prison, many former political prisoners are restricted from moving freely and in some cases in recent years have been periodically detained<sup>2</sup>.

In our earlier report on the torture in Chinese administered prisons, detention centers and labour camps, we highlighted how beatings; commonly employing objects such as wood or metal rods, sticks, lengths of wire, or plastic or rubber tubing filled with sand, electric shocks; and other forms of abuse are routine during police investigation and after detainees are sentenced to imprisonment. Detainees and prisoners may be tightly handcuffed or bound for extended periods, sometimes in painfully contorted positions, and pricked with pins or burned with cigarette butts. Between

## **Prisoners of Tibet**

### *2006 Special Report*

interrogation sessions, isolation may be heightened by withholding sleep, food or water, and by forcing the prisoner to endure protracted periods of darkness, cold or filthy conditions.

In this report, we provide a profile of all known Tibetan political prisoners (in section 8 of the report). We aim to show the types of activities which lead to their detention and chart the abuse of international human rights law and standards throughout and beyond the period during which they are detained by the Chinese authorities. In section 1 of the report, we examine Tibetan political prisoner trends before, in section 2, charting the major events of the past 20 years which are relevant to the issue of political prisoners, including the rise of political activism in Tibet and the Chinese authorities' repressive policies aimed at quashing it. In section 3 of the report, we carry out a detailed examination of the "patriotic education" and "strike hard" campaigns, the most far-reaching of China's repressive policies in Tibet; whilst, in section 4 of the report, we consider the recent change in the epicenter of political activism from the "TAR" to non-"TAR" areas of Tibet. In the section 5 of the report, we examine in some detail the shortcomings of the Chinese criminal justice system in terms of its non-compliance with the requirements of international human rights law and internationally recognized standards; and in sections 6 and 7 of the report, we examine prison conditions in Tibet and the treatment of prisoners, with reference to UN human rights standards, before, finally, profiling all of those political prisoners who are known to TCHRD.

Information on political imprisonment in Tibet is generally treated as "state secrets". For instance, examination of trial documents from Tibet shows that privately compiled lists of prisoners are considered to be "state secrets". Any attempt, therefore, to pass on information in relation to political prisoners without official permission is regarded as "espionage". It is in this extremely difficult climate that we operate in attempting to obtain information regarding Tibetan political prisoners, whilst at the same seeking to limit the potential danger for informers. While this report attempts to present the most detailed account currently available in relation to the issue of political imprisonment in Tibet, no report on this subject can be comprehensive due to China's efforts to prevent information pertaining to human rights violations from reaching the outside world.

# 1

## TIBETAN POLITICAL PRISONER TRENDS

Though the number of Tibetan political prisoners has declined over the years, there has been no let up in political activism across the plateau. During the peak of the period of political dissent in Tibet, there were in excess of a thousand documented Tibetan political prisoners. For example, there were 1018 known Tibetan political prisoners in 1997, of which 265 were women and 50 were juveniles. In 1998, the number of known Tibetan political prisoners rose to 1083, of which 246 were women and 12 were juveniles. By 1999, there were 615 political prisoners, of which 162 were women and 23 were juveniles. 62 political prisoners were serving more than 10 years, while monks and nuns constituted 79 per cent of the total number of political prisoners.<sup>3</sup> In 2001, there were 254 known political prisoners in Tibet. Today, according to TCHRD's information, there are 116 known political prisoners.

The Chinese authorities have been quick to link the decrease in the number of political prisoners to an alleged improvement in human rights standards in Tibet. The head of the "TAR" Justice Department, Meng Deli, claimed that "over the past 10 years, persons put in jail on charges of threatening state security in the Tibet Autonomous Region in south-west China has become fewer and fewer, and there are only 100 such prisoners at present." As has been stated previously, it is TCHRD's view that China's lauding of this reduced number of political prisoners "...may be a valid social objective, but it does not justify the imposition of control as a punishment under which an individual is liable to lose fundamental human rights."<sup>4</sup>

In recent years, the majority of political prisoners continue to be monks and nuns and according to our latest record, out of a total of 116 known Tibetan political prisoners, 51 or 43.96 percent are serving a sentence of 10 years and more and monks and nuns constitute 80 or 68.96 percent of the total known number of political prisoners.<sup>5</sup>

## **Prisoners of Tibet**

### *2006 Special Report*

The latest figures of the declining number of political prisoners may reflect a rising aversion among Tibetans to risk overt political protest. The new breed of young Tibetans, including teachers, businessman and lay people, as well as monks and nuns, who support Tibetan nationalism may be eager to avoid the harsh, sometimes brutal, punishment faced by many Tibetan prisoners, such as being arbitrarily detained or imprisoned and facing torture on suspicion of committing “crimes”, all of which form part of the multitude of reasons for arrest and detention, such as printing political leaflets; forming “counter-revolutionary organizations” that endanger state security; espionage; passing information to the “Dalai clique”; shouting reactionary slogans; encouraging reactionary singing; hoisting or possessing the Tibetan flag; failing to reform; and participating in demonstrations.

## 2

### OVERVIEW OF THE MAJOR EVENTS IN RELATION TO POLITICAL PRISONERS SINCE 1987

Until 27 September 1987, there had been few instances of open political dissent since China's forceful occupation of Tibet in 1959, and none to rival the demonstration which took place in Lhasa on that date. In the early 1980s, Tibetans witnessed a relaxation in Chinese government policy in relation to religious freedom in religious institutions and economic freedom. This allowed for more open exchange of opinions and thought and ultimately fuelled nationalistic sentiment among the monks in the monasteries, leading them and other Tibetans to voice their political opinions and call for more freedom. The first peaceful uprising by Tibetans on 27 September 1987 exposed a potential threat to the Chinese government's stability in Tibet and became a catalyst for further similar protests.



A group of Drepung monk joined by general public at the demonstration in front of Tsuklakhang on 27 September 1987

## **Prisoners of Tibet**

### *2006 Special Report*



A group of Drepung monk leading the peaceful demonstration holding Tibetan national flag at Barkhor street on 27 September 1987

### **27 September 1987**

On 27 September, Lhasa witnessed the first internationally reported demonstration against Chinese rule. This demonstration was the largest since the Lhasa Uprising in 1959 and the open defiance displayed by Tibetans had a cascading effect as further major protests occurred in the following months and years, each of which was forcefully suppressed by the armed forces and the police using methods such as indiscriminate shooting, arrest, detention and torture against Tibetans. It is estimated that over 200 demonstrations took place and that there were around 3,500 arrests during the 6 years between 1987 and 1993. The participants, often monks and nuns from various monasteries and nunneries, were labeled political enemies or enemies of the state because of their participation in the demonstrations.

On 21 September 1987, a week before the first major demonstration in Lhasa broke out, the Dalai Lama had announced his Five Point Peace Plan for resolving the issue of Tibet in an address to the US Congressional Human Rights Caucus. The Chinese government responded by launching a concerted media campaign to demonize the Dalai Lama and, at the same time, urged the populace of Lhasa to participate in anti-Dalai Lama demonstrations. This incensed Tibetans.

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

In response, at around 8:00 am on 27 September 1987, a group of 21 monks<sup>6</sup> from Drepung Monastery gathered in a teahouse on the Barkhor. They had left Drepung Monastery at dawn that morning in 3 separate jeeps for Lhasa and carried a forbidden Tibetan national flag with them. The previous night, they had taken an oath before the Palden Lhamo (the protector deity) not to betray each other if caught and on their way to Lhasa. They burned juniper leaves as an offering.

At approximately 9:00 am, they went around Barkhor, carrying the forbidden Tibetan national flag and shouting “Tibet is independent” and “Long live the Dalai Lama”. This took the Tibetan people in vicinity by surprise, as it was the first demonstration of its kind since the 1959 uprising. Hundreds of people joined in the demonstration and by the time they had completed the third circuit and were moving towards the Lhasa People’s government office of the “Tibetan Autonomous Region” (hereinafter referred to as the “TAR”), the number had increased to almost a thousand. There were approximately 200 Public Security Bureau (hereinafter referred to as the “PSB”) officers waiting at front of the gate of the “TAR” office to arrest the demonstrators. Once the demonstrators reached the office, the 21 monks, 7 men and 2 women were immediately taken away in different vehicles to a police station west of Lhasa (*Ch: Jiao Pa Chu suo*). After being detained for 15 minutes, all 30 people were transported by bus to Lhasa Gutsa Detention Centre. The crowd dispersed. There was no violence reported that day.

## **1 October 1987**

On 1 October 1987, coinciding Chinese National Day, 34 monks, including 23 from Sera Monastery, 8 from Jhokhang and 3 from Nechung Monastery, marched along the Barkhor street encircling the Jhokhang Temple. They carried the banned Tibetan national flag and shouted slogans in support of Tibetan independence. About 50 lay Tibetans joined the monks. The demonstration was planned 3-4 days prior to 1 October, in the wake of the previous demonstration, in order to express solidarity with the Dalai Lama following the Chinese government’s propaganda against him after the announcement of his Five Point Peace Plan.

Five circumambulations of Jhokhang Temple were made and as the demonstration proceeded, more people participated. There were pilgrims from Amdo (eastern Tibet) and children from school. By the time the

## **Prisoners of Tibet**

### *2006 Special Report*

demonstrators took the fifth circumambulation, approximately 100 Chinese security personnel had blocked their path with vehicles. The protestors were stopped in front of the police station. One of the protestors went forward and said, “this is a peaceful demonstration and we are not even armed. Son if there are any problems we are responsible. But, if you try stopping us causing anybody to get hurt in the bargain, then it is entirely your fault.”

However, the police forcefully disrupted the protest, using electric shocks and rendering some of the protesters unconscious. 47 people were immediately arrested. They were detained in the courtyard of the police station in the southwest corner of Jhokhang Temple. At 10:30 am many high ranking “TAR” officials came and spoke to the detainees for almost half an hour in order to urge them not to participate in political activity. When the detainees showed no signs of agreeing to this, shots were fired into the crowd of detainees and a 25 year-old Sera monk, Lobsang Deleg, died instantly. 2 laymen were also shot, one on the shoulder and the other on the leg. Tibetan policemen who were present stood with the crowd in order to prevent more gunshots being fired. When the people outside heard the shots, the demonstration became violent. Women and children threw stones at the police while others set up to 14 police vehicles on fire. The estimated 100 policemen who were standing in front of the police station had no choice but to retreat. Wooden tables and blankets were set on fire at the door of the police station.

The police station caught fire and those outside became worried about the detainees. Jampa Tenzin, Buchung and a few others tried to rescue the detainees. Buchung was shot dead. When Jampa Tenzin emerged from a broken door, his arms were burned. Firing then started outside. There were policemen shooting from the rooftop of the police compound, which was partly in flames, and people were running everywhere. 12 people died and many others were injured.

The bodies of 2 Tibetan laymen were carried on wooden boards into the crowd in Barkhor. A further body, that of a 14-year-old boy, accompanied by a crowd of about 100, was carried down Renmin Lu. A fire engine carrying many policemen arrived. The crowd set the vehicle on fire and the policemen ran away.

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

Inside the police station, the detainees could do nothing and so they started praying. Several policemen were also locked inside. A few kind Tibetan officers got into a row with the Chinese over releasing the detainees, which, they reasoned, would subdue the commotion outside. The situation was becoming chaotic as the police station was almost collapsing, endangering the lives of all of those locked inside, including the policemen. After a few frantic phone calls to the police chief, the decision was finally made to release the detainees.

By 3:30 pm, reinforcements had arrived. Lobsang Jinpa, one of the 47 detainees, who is now in exile recalls, “when we ran away from the police station, we witnessed five Tibetan police officers handcuffed and being taken away. We never saw them again and have not heard anything about them since then.” In the meantime, the angry mob charged and looted the police station, scattering police files into the street.

By 7:00 pm that day, military personnel had taken control of the situation. “During the following days convoys of trucks with soldiers armed with automatic weapons and motorcycle-sidecars with tripod-mounted machine guns paraded through the main streets surrounding the Tibetan section of Lhasa.”<sup>7</sup> Two days later, on 3 October 1987, 17 Sera monks were arrested from their monastery and 39 from their homes.



Jampa Tenzin, a monk of Tsuklakhang, leading the demonstration

## **Prisoners of Tibet**

### *2006 Special Report*

#### **6 October 1987**

There was yet another demonstration, this time by a group of approximately 60 Drepung monks, on 6 October 1987. The monks walked into Lhasa and demonstrated in front of the “TAR” government gate. They demanded the release of the 21 Drepung monks who had been arrested in September and also shouted slogans in support of Tibetan independence. At around 4:30 pm, 250 People’s Armed Police (hereinafter referred to as “PAP”) arrived and took the monks away, brutally beating them with belts, sticks, rifle butts and metal rods. That night, at around 10:00 pm, the monks were released.

In subsequent months, there were several minor demonstrations in Lhasa.

#### **3 March 1988**

On 3 March 1988, the third *Monlam Chenmo* (the Great prayer festival) since the Liberalization Policy was introduced, commenced in Lhasa. As a result of the perception that the festival was not a true representation of “freedom of religion” in Tibet and the earlier demonstrations which had led to the death, arrest and detention of monks and nuns, religious institutions were reluctant to attend the festival. Finally, the PRC managed to persuade the high lamas to attend and monks from Sera, Drepung, Gaden and other smaller monasteries therefore also participated. Fearing a further demonstration, however, the authorities deployed hundreds of Chinese armed police and PSB officers to suppress any protest. On 3 March, Jampa Phuntsok, a monk from Tashi Choeling Monastery, stood up amongst the crowd and shouted, “Tibet is an independent country,” “Tibet belongs to Tibetans” and “Chinese must go back to China”. Jampa was not arrested that day, as this would have provoked other monks to join him.

#### **5 March 1988**

Seizing the opportunity of the success of previous demonstrations, monks from the 3 biggest monastic colleges: Sera, Drepung and Gaden held a peaceful demonstration on the last day of the *Monlam Chenmo*. According to Bagdro, at about 9:40 am on 5 March, while the Maitreya Buddha was

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*



Monks of the three biggest monastic colleges holding a peaceful demonstration on the last day of the Monlam Chenmo

being carried back into the Tsuklakhang, around 65 monks started to chant protest slogans as they came into the Barkhor, such as “Tibet is an independent nation! Free Tibet! Chinese must go back to China! and Long Live Dalai Lama!”<sup>8</sup> Other monks from various monasteries immediately joined in and the Chinese at once opened fire into the crowd while detaining monks and throwing them into large military trucks. The authorities beat anyone wearing monastic robes, regardless of whether they were involved in the demonstration or not. Many political prisoners who served sentences in Drapchi Prison did so due to their participation on this demonstration. The *Monlam Chenmo* Festival was banned after this incident.

### **10 December 1988**

In July 1988, China’s security chief, Qiao Shi, while on a tour of the “TAR” announced a policy of “merciless repression” of all forms of protest against Chinese rule in Tibet<sup>9</sup>. The policy was implemented at once. A further crackdown on a demonstration at Jokhang Temple, the most sacred Tibetan shrine in Lhasa, on 10 December 1988, was witnessed by a Dutch tourist, Christa Meindersma, who recalled: “... without any warning, the police opened fire, shooting quite indiscriminately into the crowd. They didn’t

## **Prisoners of Tibet**

*2006 Special Report*



Tsamla (late), being ferried in a military truck

seem to mind who they hit. ... as I turned to run I was shot in the shoulder.”<sup>10</sup> According to a western journalist who was there, at least one officer was heard ordering his men to “kill the Tibetans”. The toll on that day was at least 15 killed, over 150 seriously wounded, and many others arrested.<sup>11</sup>

### **5, 6 and 7 March 1989**

5 March 1989 witnessed one of the biggest demonstrations Lhasa has seen. In the morning, a large gathering in Barkhor sparked off the partially-planned demonstration. A large contingent of protestors including monks, nuns, lay people and even children, carrying the Tibetan national flag and pictures of the Dalai Lama, began circumambulating the Barkhor and the streets of Lhasa. The demonstration was forcibly suppressed but not before many Chinese shops were burned down and offices were stoned. The demonstration continued for several days.

For 3 days from 5 March 1989, Lhasa was in turmoil with demonstrators waving the Tibetan national flag and shouting slogans in support of independence. During the police crackdown, automatic weapons were used, some even in people’s homes. Estimates of the number of deaths vary. The official Chinese figure was 11; however, according to Tang Da-xian, a Chinese journalist who was in Lhasa at the time, some 400 Tibetans were massacred, several thousand were injured and 3000 were imprisoned<sup>12</sup>.

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

## **7 March 1989: martial law imposed in Lhasa**

As the demonstration gained momentum, PSB officers were unable to handle the situation and, on 7 March 1989, reinforcements of armed soldiers with automatic machine guns and tanks were brought in. By 3:00 pm soldiers had surrounded Lhasa and began infiltrating the city. They shot at anyone in sight. All of the streets of Lhasa were blocked and martial law was imposed.

Following the imposition of martial law from the midnight of 7 March, waves of arrests and detentions took place. PSB officers began visiting religious institutions and individual homes asking people to account for their actions for the 3 days of the protest. Seitru and Gutsa (detention centres in Lhasa) were so packed that hundreds of people were reportedly detained in Outridu (now called Lhasa Prison). New units were created in Drapchi Prison, exclusively for political prisoners i.e. *new Rukhag 5* for male political prisoners which was created in January 1990. Eventually, Trisam RTL camp or Trisam Prison, situated 10 km west of Lhasa near Toelung County Bridge, was opened in around February 1992 and has since received many of the political prisoners from the detention centers at Sangyip, Outridu and Gutsa. Before 1993, political prisoners were largely confined to the prison network in Lhasa and other major administrative towns; however, political prisoners are now detained in facilities in almost all counties and townships.



A convoy of military trucks with armed reinforcements were brought into Lhasa city before the martial law was imposed on 7 March 1989

## **Prisoners of Tibet**

### *2006 Special Report*

#### **1 May 1990**

Over a year later, on 1 May 1990, China announced the lifting of martial law; however, in reality, the restrictions imposed under it remained in place. This was pointed out by the first Australian Human Rights Delegation to China, which was permitted to visit Tibet in July 1991, “Though martial law had indeed been lifted on 1 May 1990, it continues to exist in all but name”.<sup>13</sup> This was further confirmed by the report issued by Amnesty International in 1991: “the police and security forces retained extensive powers of arbitrary arrest and detention without trial.”<sup>14</sup> 1990 also witnessed the ban on the portrait of the Dalai Lama in monasteries and nunneries, offices and schools in Tibet.

#### **10 April 1991**

On 10 April 1991, the police arrested 146 “criminals” in the run-up to China’s celebration of the 40th anniversary of the signing of the “17-point Agreement” on 23 May 1951. This was followed by further arrests and public sentencing rallies and, on 23 May 1991, a curfew was imposed on the whole of Lhasa.

#### **23 August 1991**

Responding to the violent repression of the political demonstrations in Lhasa in March 1989, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities adopted resolution No 1991/10<sup>15</sup> entitled “the situation in Tibet” on 23 August 1991. It expressed concern about “continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people”. It called upon the Chinese government to respect these rights and freedoms. The Chinese government rejected the resolution as illegal, null and void.<sup>16</sup>

#### **February 1992**

In a sudden clampdown, starting in February 1992, groups of 10 Chinese security personnel raided Tibetan houses in Lhasa and arrested anyone found to be in possession of anything deemed subversive; including photographs,

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

tapes or books containing speeches or teachings of the Dalai Lama. Over 200 Tibetans were arrested.

Despite all measures of repression, demonstrations continued throughout Tibet and the Chinese authorities continued to respond to the same with “merciless repression”:

All such manifestations (i.e., demonstrations and political dissent) of dissatisfaction with Chinese rule - whether peacefully conducted or otherwise - are viewed by the authorities as constituting “illegal separatist activity”, and those who have led or participated in them have been punished with escalating force and severity. “Merciless repression” remains, in Tibet, the order of the day.<sup>17</sup>

A few foreign tourists who witnessed the demonstrations of the late 1980s and the massive human rights abuses which resulted drew international attention to the issue of the abuse of human rights in Tibet for the first time. The Chinese authorities were quick to try to prevent information from reaching the outside world by restricting the movement of foreign tourists and not issuing visas to them. The imposition of martial law in Lhasa also led to severe restrictions upon the inflow and outflow of information between Tibet and the outside world.

The exact number of Tibetans arrested during these years of open political dissent cannot be determined. One of the chief obstacles to the study and elucidation of human rights issues in Tibet is the growing difficulty in obtaining adequate and reliable information, even at the time of the internet revolution, given the Chinese authorities’ stranglehold on the flow of any information which is deemed to be subversive. By the end of the 1990s, it was far more difficult to obtain information about political imprisonment than it had been a decade earlier. Chinese security procedures and technology became more advanced and pervasive and Tibetans who attempted to gather information about political imprisonment and bring it to the attention of the outside world risked great danger.

Once arrested or detained, many Tibetans are coerced by police and security officials to inform on their colleagues and neighbours. There is wide network of informers in offices, work groups, schools, monasteries, neighbourhoods and prisons.

## **1994: renewed repression after the Third Tibet Work Forum**

The trend of repression throughout the late 1980s and early 1990s reflects China's increasing concern in relation to the rise in Tibetan nationalistic and resistance activities. This trend took a dramatic turn for the worse towards the end of 1994 when the Chinese authorities devised an array of pro-active measures aimed at eliminating the roots of the protest movement. This new upsurge in repressive measures was implemented in the form of "anti-Dalai" and "anti-splittist" campaigns, upon the recommendation of Third Tibet Work Forum which was held in Beijing in July 1994. The Forum advocated:

The struggle between ourselves and the Dalai Clique is neither a matter of religious belief, nor a matter of the question of autonomy, it is a matter of securing the unity of our country and opposing splittism...No one should be careless about it. This is a life-and-death struggle, and of course it is not an ordinary issue but an important issue. The Standing Committee of the TAR Congress and the judicial organs should carry out thorough investigations in order to find out problems in the ways we deal with our struggle against splittism, and seriously analyze those problems in the law. If there is anything not yet mentioned in the law, the judicial administrations should give their views quickly and establish laws and regulations to fight against the splittists so that the laws and regulations become more effective... As "striking relentless blows" is one of the important elements of the Comprehensive Management of Public Security, the judicial organs should organize local public security organizations to solve their own main problems by having focal places to deal with and focal points to solve. We must rely both on the relevant public security offices and on the vast numbers of masses in dealing with public security work<sup>18</sup>.

The Third Tibet Work Forum called for a new assault on Tibetan religion and culture and led to an array of measures aimed at tightening the Chinese authorities' control over the Tibetan population. As the Chinese authorities

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

came to recognize the depth of Tibetan discontent, they became obsessed with loyalty. The Dalai Lama was vilified as a religious leader and the authorities required that he be denounced as a test of loyalty. The measures introduced in the wake of the Forum included stricter surveillance systems and the reinforcement of the networks of informers in offices, work groups, schools, monasteries, apartment buildings and neighbourhoods; the installation of special security cameras on pilgrim circuit routes and at other key sites during religious festivals; a ban on the display of pictures of the Dalai Lama in public places; a ban on the display of all religious symbols in the homes of Party members and all government workers and their families, who were required to allow their homes to be searched for altars, religious pictures, and other religious paraphernalia; more frequent searches of private houses for shrines and photographs of the Dalai Lama; schoolchildren being threatened with expulsion if they were seen visiting monasteries and temples; bans on the celebration of Tibetan festivals such as the Tibetan New Year, the Dalai Lama's birthday and Saka Dawa; and the issuance of fresh orders to Party cadres—with increasingly severe repercussions if not followed—calling for the withdrawal of their children from Tibetan schools, monasteries and nunneries in exile. A year after the Forum, the authorities introduced a new strategy for intimidating political suspects: detaining suspects repeatedly for short periods of time during which they were interrogated and tortured using sophisticated methods which left no visible physical marks.

Most effective of all, however, in terms of the disruption of religious activities and violation of human rights, were the introduction of the “patriotic education (or re-education)” campaign (which was intensified after the Fourth Tibet Work Forum in 2001) and the extension of the “Strike Hard” campaign in Tibet, both of which are discussed in further detail below, as well as the introduction of measures aimed at controlling the legal management of religious affairs,<sup>19</sup> including the restructuring of Democratic Management Committees (DMCs)<sup>20</sup> to manage and supervise religious institutions which the authorities have always considered as “a hotbed of political dissent”; a view supported by the fact that the majority of the current total of 116 known Tibetan political prisoners are monks and nuns, and almost all of their arrests are directly or indirectly linked to pro-independence political activism. The control of religious institutions through legal regulation was further intensified in 2005.

## **Prisoners of Tibet**

### *2006 Special Report*

## **1996**

1996 saw the commencement of the “patriotic education” campaign and the extension of the “strike hard” campaign in Tibet. Both of these campaigns have been a prevalent feature of the past decade, in that each of the campaigns has been re-launched or re-invigorated on a number of occasions, and are dealt with separately in the following section of the report.

## **May 1998 – the Drapchi protests**

### **1 May 1998**

On 1 May 1998, the Drapchi Prison authorities ordered hundreds of prisoners, including those imprisoned for both political and ordinary criminal offences, to take part in a Chinese flag-raising ceremony to mark International Labour Day. Prior to this, nuns housed in the *new Rukhag#3* section of the prison were informed that they would have to sing “patriotic” songs in praise of Mao and China. Many prisoners were opposed to this, believing that if they did as the authorities requested this would set a bad precedent for the future. According to a letter sent by political prisoners who witnessed the events in Drapchi on 1 May 1998, the authorities had planned to film the Labour Day “celebrations” at the prison in order to present the prison in a positive light and show that the inmates there were being treated properly to an EU delegation, consisting of Beijing based-ambassadors from Britain, Austria and Luxembourg, which was due to visit the prison on 4 May 1998.<sup>21</sup> Likewise, the prisoners appear to have been motivated to carry out the protest by planned visit by the EU delegation.

At about 10:00 am, all prisoners - about 900 in all - except for those in the *old Rukhag#3* and 5 sections of the prison which housed political prisoners, were summoned to the main prison courtyard. The programme commenced with the prisoners singing pro-Chinese songs, followed by a flag-raising ceremony. As the ceremony proceeded, two criminal prisoners, Karma Dawa (known as Kadar) from Gonjo in Kham, who was serving a sentence of 13 years, and Karma Sonam,<sup>22</sup> reportedly started throwing pamphlets amongst the crowd which read “Free Tibet”, “Long live His Holiness the Dalai Lama” and “Chinese leave Tibet” and shouting similar slogans. The political prisoners, who were able to follow what was happening, immediately joined

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

in. The protesting prisoners were also said to be demonstrating their solidarity with the group of Tibetan exiles conducting a hunger strike in Delhi, India that year.

There is no clear report of subsequent events, but according to unofficial accounts from political prisoners, scores of prisoners were severely ill-treated following the protest. The protest was forcibly suppressed by members of the PAP, who guard the perimeter of Drapchi Prison, and PSB officials who fired shots in the air and used bayonets, sticks, metal rods and electric cattle prods against the prisoners. Some prisoners, including Karma Dawa and Karma Sonam, were confined in dark solitary cells and severe restrictions were implemented in Drapchi. The number of casualties is unknown.<sup>23</sup> According to one source, at least 8 prisoners: 3 monks and 5 nuns, died following the protests, and sentence extensions were handed down to at least 19 political and criminal prisoners;<sup>24</sup> whilst, according a number of unofficial reports and testimonies given by former political prisoners, there were 11 deaths in the weeks following the incident; 6 nuns,<sup>25</sup> 4 monks and a layperson were said to have died; and 27 sentence extensions were handed down by the judiciary in closed proceedings in October 1998. According to one victim,

When they took us back [to our cellblock], they beat us with the metal front of their belts, there was no one who was not [covered with] blood. When we arrived in the courtyard, and after they closed the gate, we were made to line up and we were individually beaten very badly. They beat us with these black plastic sticks.<sup>26</sup>

16 nuns were randomly taken away and were placed in solitary confinement. According to a former political prisoner, the “solitary confinement cells were packed and could not house more, otherwise, the officers would have taken more.” On the evening of 1 May 1998, Chinese construction workers began converting the bathroom, shop and interrogation room into solitary confinement cells. 13 of the nuns were kept in solitary confinement for 7 months. Other nuns who were not held in solitary confinement faced other forms of ill-treatment, including being forced to kneel on the concrete floor of the courtyard where they were beaten; being subjected to electric shocks all over their bodies; and being beaten with plastic tubes or hoses filled with sand, belt buckles and rifle butts. Pema Bhuti, the principal official for *Rukhag*#3, was a key perpetrator of the torture and beatings to

## Prisoners of Tibet

### 2006 Special Report

which prisoners were subjected and is responsible for the death and serious injury of many female political prisoners in Drapchi. That day, she beat nuns while they knelt in the courtyard. They were only allowed to return to their cells in the evening and, as further punishment, were made to sleep on the bare floor. That same evening, several nuns launched a hunger strike, which continued for 6 days, to protest against their ill-treatment.<sup>27</sup> The nuns were confined to their cells and by the fifth day of their hunger strike, they were showing signs of severe emaciation and weakness. When prison staff made them sweep the floor, they did not even have the strength to lift a broom. By the sixth day of their hunger strike, some of the nuns began vomiting blood and the weakest of them were put on intravenous drips. That same day, the high-ranking official who was in charge of all prisons tried to talk the nuns into eating but they vehemently refused and refuted claims made by Pema Bhuti that “you ate and wore too much that you shouted.” The nuns eventually ended their protest after a number of high-ranking local officials who visited the prison acknowledged that the Drapchi prison authorities had “made some mistakes.”

#### 4 May 1998

While the nuns of *Rukhag#3* continued with their hunger strike, the prison authorities made a second attempt to hold a flag-raising ceremony to celebrate International Youth Day on 4 May 1998. Similar arrangements were made as on 1 May 1998; however, this time more security personnel were brought in to crush any threat of similar protest. 20 nuns from *new Rukhag#3* were selected and forced to participate in the ceremony. Most of them were very weak and in pain because of the beatings and torture they had sustained and almost had to be dragged to the courtyard for the celebration. Monks from the *new Rukhag#3* disrupted the ceremony by shouting slogans in support of Tibetan independence. The nuns who had been forced to participate did not join in as they were too ill to do so; however, nuns in the *old Rukhag#3* section of the prison, who could see what was happening from their cell windows, started to break their cell windows and shout. According to one nun who was detained in *old Rukhag#3* at the time and who recently arrived in exile:

At that time, political prisoners inside the cells, broke the window glass and shouted pro-independence slogan through it. In that very moment, some prison guards came into our cellblock and took all of us outside. Then they started beating

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

us severely by stick, belt buckles, fist and punch leaving many of us severely wounded. Some were left to bleed profusely from head, face and some with broken legs and ribs. The entire courtyard of the prison unit was covered with blood. Ngawang Choezom, Choekyi Wangmo, Ngawang Tenzin and Kusang were put into the solitary confinement cells. For the whole three months after the incident, we were kept inside the cell for both day and night with foul smell, our face and body drenched in dirt and blood. We were also denied the least sanitation, due to which our body began to stink of foul smell. The 15 minutes visitations by family member for us were annulled for six months.<sup>28</sup>

Another nun who was detained in the *old Rukhag#3* at the time, Gyaltsen Dolkar, who recently escaped into exile after completing a 12 years' prison sentence, was stripped completely naked by 6 men (3 Tibetan and 3 Chinese) who beat her and jeered while watching her squirm in shame. They subjected her to electric shocks all over her body and inside her mouth and genitals. Choeying Gyaltsen, one of her bunkmates, reports

When Gyaltsen came back that night after her interrogation session, she could not walk properly. She was walking with her legs spread apart and was black and blue all over. She could not even climb up her bunk so I exchanged beds with her. The authorities were trying to discern who led the protest and because it was not led by any one they would not believe her and beat her further.

In a further account, Norzin Wangmo has said:

there was not one who had been spared for beating that day. The beatings lasted until 2:30 pm from 11 in the morning. We were wearing light clothes that day. The nuns tried to cover their heads with their hands at the time of beating. The authorities thrashed us so viciously that everyone had a serious injury, a torn ear, peeled hands, large open cuts and blood everywhere. Pema Bhuti took it as a personal responsibility to beat everyone individually and later single out some of those she had grudges on, for further beatings.<sup>29</sup>

## **Prisoners of Tibet**

### *2006 Special Report*

The Drapchi protests claimed up to 11 lives and led to sentence extensions for up to 27 prisoners. In addition, many political prisoners were tortured and otherwise ill-treated, including being held in solitary confinement for extended periods (it is reported, for instance, that in all 19 nuns were held in solitary confinement for between 3 and 7 months) and being denied prison visits for up to 14 months after the protests. The common sense of unity among both criminal and political prisoners revealed by the protests is likely to have been of serious concern to the authorities. These two categories of inmates are often segregated at Drapchi prison owing to fears that prisoners of conscience will influence criminals with political ideas.

### **3 June 1998**

Around a month later, on 3 June 1998, female political prisoners in Drapchi were forced to sing songs in praise of China and Chinese Communist Party, apparently to make amends for their earlier protests. When they refused to sing, they were taken to the prison courtyard and made to stand immobile in the hot summer sun holding paper under their armpits and between their knees and balancing cups of water on their heads. Those who moved or collapsed were beaten. This treatment continued for 4 full days with only short breaks for lunch and to use the toilet.

## **Official reactions to the Drapchi protests**

The year 1998 registered the highest estimated number of people arrested for exercising their fundamental human rights by calling for Tibet's independence and waving Tibetan national flags. There were a large number of small-scale demonstrations and many violations of human rights; however, most went unreported as foreign observers were expelled from Lhasa and the surrounding region.

Initially, the Chinese authorities persistently denied that any deaths occurred as a result of the May 1998 protests. The Chinese government took unusual steps in the wake of the May protests to prevent information about the protests from reaching the outside world. After numerous instances of the issue of the protests being officially raised with the authorities, however, they finally admitted that prison guards had fired guns into the air after

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

prisoners at Drapchi held a peaceful protest and told Western governments that an inquiry had been launched into the prison protests. The most prominent feature of the authorities' accounts in relation to the protests, however, has been their inconsistency.

The Chinese authorities were quick to shield the protests and their aftermath from the EU delegation which visited Drapchi Prison on 4 May 1998. According to the delegation's report,

....[t]he delegation was not aware of these reports [of disturbances] at the time of their visit to the prison. The delegation was also briefed, they felt unusually, in the open air outside the inner prison gates before the actual prison visit. Nonetheless, there was no visible sign of the after effects of a riot, and naturally the prison authorities made no mention of any such incident. As far as could be ascertained the guarding was normal, with no obvious signs of extra guards or heightened security.<sup>30</sup>

Officials in the Justice Bureau in Lhasa later told an EU delegation to Tibet, which was led by the leader of the Parliamentary Group of the Austrian People's Party, Andreas Kohl, that prisoners began to shout slogans including "Free Tibet" and "long live the Dalai Lama" during the flag raising ceremony on 1 May and prison guards were so frightened that they fired guns into the air to "attract the attention of policemen outside the prison"<sup>31</sup> The Justice Bureau's statement clearly confirms that guards at the prison were armed with guns but does not explain why they felt so intimidated by the shouting of slogans.

The EU delegation presented a list of names of those said to have died to the Justice Bureau during their visit to Lhasa from 27-31 August 1998. One visiting delegation member, Norwegian MP Borge Brende, said: "I think that the version of events given by the Justice Bureau is very strange and quite unbelievable."<sup>32</sup>

The Chinese government provided a further conflicting account of the Drapchi protests and their ramifications to 3 UN human rights experts in February 1999, denying that the protests had taken place:

## **Prisoners of Tibet**

### *2006 Special Report*

In relation to alleged violent demonstrations inside Drapchi Prison in May 1998, the Government replied that no such incident had taken place. The Government stated that there had not been a demonstration by offenders since the Tibet Autonomous Region Prison was founded.<sup>33</sup>

However, the authorities later stated:

a handful of criminals went so far as flagrantly shouting separatist slogans, insult, besiege and assault prison officers. The prison police officers took measures to put down the situation according to provisions of the Prison Law. In the course of controlling the situation, there was not any case of death caused by beating. As the acts of some criminals constituted crimes of undermining the order of prison administration and of instigating others to split the State, the criminals concerned were given additional criminal punishment according to the law.<sup>34</sup>

More recently, during a session of dialogue with a Western government, the authorities have once again denied that there were any protests at all; claiming instead that there was an “incident” at the prison in May 1998 “in connection with a depressed female prisoner who committed or attempted suicide.”<sup>35</sup> The nature of the protests and the brutal suppression and punishment which followed is, however, clear from the testimonies given by former Drapchi inmates upon their arrival in exile.

## **1999**

1999 was an important year for anniversaries and other events in the TAR and the authorities took action to suppress political activity by stepping up security measures so as to create a “martial law- like” situation in Lhasa. On 10 March 1999, the 40th anniversary of Tibetan Uprising Day, a large contingent of armed police was deployed in the Barkhor and all of the major streets of Lhasa<sup>36</sup>. The year also marked the 50th anniversary of the founding of Peoples’ Republic of China and, for the first time, China planned to host the National Minority Games in Lhasa in September 1999. The authorities were determined to prevent the occurrence of any potentially embarrassing political incidents and directed that all security wings should

*Overview of the Major Events in Relation to  
Political Prisoners since 1987*

be alert and that precautionary measures should be taken in and around Lhasa. The authorities deployed 200 specially-trained security personnel in Lhasa in an effort to crush any untoward incidents during the 50th anniversary celebrations and the National Minority Games and a number of incidents and arrests were recorded, including the Tashi Tsering incident and the subsequent arrest of **Bangri Rinpoche**,<sup>37</sup> Nyima Choedon and many others.



**Prisoners of Tibet**

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*2006 Special Report*



### 3

## THE CHINESE AUTHORITIES' REPRESSIVE CAMPAIGNS AIMED AT QUASHING TIBETAN POLITICAL RESISTANCE

As is evident from the previous section, following calls from Tibetans for greater freedom, independence and respect for the human rights, the Chinese authorities launched repressive campaigns in Tibet in the 1990s. Beijing's overriding concern about state stability versus "splittist" forces led to a series of wide ranging repressive measures in the political sphere. Any act or view remotely symbolic of Tibetan identity that has the potential to "threaten state stability" and challenge the authority of China's leadership is severely crushed in the hope that this will safeguard the unity of the "motherland". The Third Tibet Work Forum in 1994 provided the impetus for the intensification of the campaign against "splittism" by portraying the most basic elements of Tibetan culture, including language and religion, as "disguised" forms of separatism and thus threats to national unity. The Chinese authorities focused on the "separatist" activities of the Tibetan people, which were deemed to include simple and traditional acts such as performing incense-burning ceremonies, performing life-long ceremonies for the Dalai Lama and displaying and possessing portraits of the Dalai Lama. This hardline "anti-splittist" policy, which was initially implemented in the "TAR" was later extended to all Tibetan-inhabited areas, even to the most remote monasteries and nunneries of Amdo and Kham, and has affected many more Tibetans than previous campaigns.

The Chinese authorities' desire to intensify repressive policies in Tibet is clearly reflected in the official statements of senior Chinese leaders, for instance, on 22 May 2000, during the seventh Chinese People's Political Consultative Conference (CPPCC), Legchog, Chairman of the "TAR", said, "... government staff should advise local people and their subordinates to oppose splittism and cut ties with the Dalai Lama. The Dalai Lama issue should be studied and any underground organization activating in Tibet should be filtered and gotten rid of"; whilst Vice-Premier Li Lanqing stated,

## **Prisoners of Tibet**

### *2006 Special Report*

at the subsequent meeting of the CPPCC on 1 September 2000, that “Government officials should continue striking hard on splittist activities and oppose the Dalai Lama’s counter-revolutionary acts. Moreover, work teams should continue visiting religious institutions and this should be the number one priority in order to ensure peace in Tibet.”<sup>38</sup>

The hardline policies adopted at the 1994 Third Tibet Work Forum sparked marked discontent among Tibetans as they threatened the practice of religion by both religious personnel and lay people in Tibetan society. The authorities placed a special emphasis upon policies which aimed to eradicate dissent by challenging the political and religious authority of the Dalai Lama and focusing on the adaptation of traditional Tibetan customs, ideas and spiritual beliefs to suit socialist society. The Forum resulted in restrictive policies being implemented across various sections of Tibetan society, including in the rural areas where “loyal” cadres were given important political positions. “TAR” officials placed importance on the fact that rural grassroots officials were “the key force for uniting and leading the masses in an in-depth struggle against separatism, stabilizing the farming and pastoral areas”.<sup>39</sup> Intensified security measures, such as repeatedly detaining suspected dissidents for short periods of time, were often used to intimidate suspected dissidents.

The three main political campaigns, under the generic heading of the “anti-Dalai Lama” campaigns, which have dominated Tibetan religious and cultural life since 1996 are the “patriotic education”, “strike hard” and “spiritual civilization” campaigns. These campaigns aim to eradicate “splittism” and the influence of the Dalai Lama. The “patriotic education” and “strike hard” campaigns are discussed in detail below. The “spiritual civilization” campaign was launched in Tibet in May 1996. It targets monks and nuns and aims to “cleanse the feudal, foolish and backward atmosphere poisoned by the Dalai clique”.<sup>40</sup> The campaign requires compulsory attendance at study sessions and has often led to the punishment of individuals who have failed either to co-operate or to denounce the Dalai Lama.

Unlike their mainstream counterparts in the PRC, all 3 campaigns have been implemented with a distinctly political agenda in Tibet; namely eradicating “splittism” and achieving the objectives set out at the Third Tibet Work Forum.

## **The “patriotic education” campaign**

The “patriotic education” campaign was instituted in religious institutions in Tibet in 1996 with the aim of eliminating the Dalai Lama’s influence and splittism. As the “TAR” Party Secretary, Chen Kuiyuan, saw it on 23 July 1996, “The main battlefield of our struggles against the Dalai clique is in the spiritual field.”<sup>41</sup> A ban on the display of portraits of the Dalai Lama in religious institutions was instituted in 1996. This was enforced by the security forces through raids upon monasteries and nunneries and searches of monks’ and nuns’ quarters. Patriotic education in religious institutions involves “work teams”<sup>42</sup> entering and remaining in monasteries and nunneries for up to 3 months, with the aim of re-educating monks and nuns and testing their loyalty to the Communist Party. Police stations were also constructed in or near the three main monasteries of Sera, Drepung and Gaden.

Under the patriotic education campaign, monks and nuns are required to study Communist Party ideology. Their loyalty is then tested through written examinations on Tibetan politics, history and religion and through the requirement that they sign written affidavits of loyalty. In order to be allowed to remain in their institutions, religious personnel must agree that Tibet had always been a part of China and accept characterizations of the Dalai Lama as a criminal who is unfit to be religious leader and unworthy of respect. Religious personnel cannot refuse to participate in patriotic re-education. Those who attempt to boycott sessions have been arrested and imprisoned and failure to comply with the demands of “work teams” and to denounce the Dalai Lama results in expulsion from religious institutions or arrest. TCHRD has received numerous testimonies from monks and nuns who have been expelled from their institutions for refusing to comply with the requirements of “patriotic re-education”, while those vociferous and bold enough to challenge the authorities have faced lengthy prison sentences.

This increased control over religious institutions and the continued crackdowns on expressions of allegiance to the Dalai Lama have been experienced by some Tibetans as being like a “second Cultural Revolution”.

The patriotic education campaign was also extended to lay people. Jampa Kelden, head of the Nationalities and Religious Affairs Commission in the

## **Prisoners of Tibet**

### *2006 Special Report*

“TAR”, announced that steps should be taken to “spread patriotic education in the agricultural communities, towns, cities, government organs and schools”.<sup>43</sup> He told a party meeting that new measures were needed in order to

eliminate the Dalai’s influence and win people’s heart...Otherwise, if we only carry out the patriotic education in temples, the instability will continue. The influence of the Dalai Lama on the peasants, in the townships, schools and government organs is still serious. A number of farmers and peasants are not quite convinced that Tibet is an inalienable part of China and they are not clear about the Dalai’s true face.<sup>44</sup>

TCHRD records indicate the total expulsion of 12,271 religious personnel, including 1,876 nuns, in connection with the patriotic education campaign. For instance, in the region of 200 monks and nuns were expelled from their religious institutions between December 1989 and April 1990 and in the year 2000, 862 expulsions reportedly took place in various monasteries and nunneries, of which 147 were of nuns.<sup>45</sup>

Although the Chinese authorities claim that the “patriotic education” campaign was officially concluded in 2000, it is clear that it has remained at the centre of the authorities’ efforts to eliminate “splittism” and, indeed, has been re-invigorated since 2005. According to *Lhasa Evening* on 1 November 2004, a week-long workshop for officials in charge of “patriotic education” in monasteries and nunneries in Lhasa formally opened on 31 October 2004. Lobsang Gyurmey, head of the Committee for Patriotic Education in Lhasa, in his opening speech, said, “Patriotic Education should be implemented to the fullest in the monasteries and nunneries to prevent separatist activities. Precautionary measures should also be taken to stop the infiltration of literature from the splittist group based in exile.”<sup>46</sup> [Referring to Dharamsala - temporary headquarters of the Dalai Lama]. Patriotic education was also discussed at meetings of leading party cadres of the TAR Committee of the CPC which were held in May and October 2006. The *Tibet Daily* reported that the focus of the conference held in May was to “to discuss and draw up a plan on the specific issue of fighting against splittism” and that Zhang Qingli, now senior Communist Party official in the TAR, said that “patriotic education” needed to be “resolutely and vigorously carried out” in the monasteries, “their democratic

*The Chinese Authorities' Repressive Campaigns Aimed at  
Quashing Tibetan Political Resistance*

administration committees overhauled and consolidated” and that it must be ensured that “the power of authority...is firmly in the hands of religious personnel who are patriotic and love religion.”<sup>47</sup> At the first plenary session of the seventh congress of the TAR Committee of the CPC in October 2006, it was confirmed that among the party’s top priorities was keeping separatist activities in check and that “education on patriotism will be promoted among the region’s temples to ensure that religious leaders love their country”.<sup>48</sup>

### **The “strike hard” campaign**

Former PRC President Jiang Zemin first initiated the draconian “strike hard” campaign (*Ch: Yanda*) or anti-crime drive in 1983 as a result of growing concern about a perceived rise in the crime rate in China. This was followed by the re-launching of the campaign in 1990-1, in April 1996 and on a number of occasions since then, as will now be discussed.

Both the “patriotic education” campaign and the “strike hard” campaign were implemented differently in Tibet than in China. In China, the campaign was aimed at curbing common crime, whereas in Tibet, the campaign was aimed more at curbing political activities. In Tibet, the campaign became the centrepiece of China’s “relentless blows” at separatism and the influence of the “Dalai Clique”. Addressing the inaugural rally of



## **Prisoners of Tibet**

### *2006 Special Report*

the “Strike Hard Struggle” on 6 May 1996, Raidi, Executive Deputy Secretary of the “TAR” Communist Party, linked the campaign to the anti-splittist fight when he said, “Tibet is located on the frontline of the anti-separation struggle, and safeguarding social stability and the Motherland’s unity is the most important political responsibility.”<sup>49</sup>

The Chinese judiciary has also participated in the intensification of repression in Tibet. The “TAR” Higher People’s Court made a determined effort to “strike hard” against political activism and launched coordinated actions in a unified manner to execute the campaign with the “power of a thunderbolt and the speed of lightning”. With the launch of the “strike hard” campaign in 1996, law courts at all level across Tibet conducted legal proceedings with a sense of political fanaticism.

The near simultaneous launch of the “patriotic education” and “strike hard” campaigns in Tibet in 1996 had serious human rights implications. There were many violations of the right to freedom of conscience and religion, as well as numerous cases of arrest and detention, torture and long-term imprisonment for the mere expression of support for Tibetan independence and the Dalai Lama, which the authorities view as “endangering state security”, thereby affecting the stability of the nation.

With Raidi ordering that the “strike hard” campaign should be implemented among the rural masses, the “TAR” registered a marked increase in the number of those arrested and detained from rural areas. On 1 January 1998, Raidi said:

The agricultural and pastoral areas have gradually become the frontline in the struggle against separatism... after encountering repeated defeats, the Dalai Clique has in recent years changed the tactics of its scheme by shifting the focus of separatist activities to the vast agricultural and pastoral areas.<sup>50</sup>

That same year, the authorities began posting loyal cadres to key political positions in rural areas. In his public address on 15 November 1998, Raidi stated that, “Rural grassroots officials are the key force for uniting and leading the masses in an in-depth struggle against separatism, stabilizing the farming and pastoral areas.”

The “strike hard” campaign was intensified in 2001. On 30 April 2001, a Chinese regional radio report broadcast in Tibet quoted the Secretary of

*The Chinese Authorities' Repressive Campaigns Aimed at  
Quashing Tibetan Political Resistance*

the Lhasa City Chinese Communist Party Committee, Jampa Phuntsog (*Ch: Xiangba Pingcuo*) as saying that the “anti-separatist struggle” must be continued in Tibet “at a deeper level”. It was reported that Jampa Phuntsog had announced at a meeting in Lhasa on 29 April 2001 that arrangements must be made to “immediately launch a strike hard campaign” in order to “improve social order” in the city. He had also reportedly said that there should be a renewed crackdown on criminal activities, an “improvement” in the police “by political means” (a reference to political education of security personnel) and a strengthening of grass roots organizations.<sup>51</sup>

From April 2001, the number of people sentenced to death in China increased dramatically. Between April and July 2001, at least 2,960 people were sentenced to death and 1,781 were executed. This meant that more people were executed in China in those three months than in the rest of the world for the previous three years.<sup>52</sup> In Tibet, 7 people were executed in the “TAR” in June 2001 following the intensification of the campaign in April.<sup>53</sup>

The official Chinese media have reported on the implementation of the “strike hard” campaign in a number of Tibetan areas outside the “TAR”, for instance, Tsongon Province (*Ch: Qinghai*) Police Department released reports of the extensive examination resulting in mass arrests within weeks of the launch of new “strike hard” campaign. It was reported that by 19 April 2001, the force of 9841 policemen and 383 PSB officers had conducted investigations into a total of 5948 rented houses, guestrooms, street shops, bars and barbershops in the Tsongon area and had found 123,462 lawbreakers and arrested 494 criminals. It was also reported that in Golmud City, law enforcement bodies had discovered six mafia groups, arrested several gang members and had seized potentially dangerous weapons from them.<sup>54</sup>

A work meeting on social stability in Tibet was held in the first week of May 2001 which issued specific rules and regulations to all courts in the “TAR” to implement the “strike hard” campaign more forcefully among the common populace. The minutes of the meeting, published in *Tibet Daily* on 8 May 2001, confirmed that the “strike hard” campaign considered manslaughter, robbery, arms related crimes and theft as the main offences which were a threat to the nation’s stability but further proposed heavy crackdowns on drug trafficking, smuggling activities, mafia-related crimes, financial scams and guiding people illegally across foreign countries. It was said that local Communist Party Committees were to strike relentlessly

## **Prisoners of Tibet**

### *2006 Special Report*

against activities that seriously threaten “social stability” and impose restraining orders on guides who help refugees to seek their freedom across the treacherous Himalayan Mountains.

The “strike hard” campaign has been re-launched on a number of occasions since 2001. On 19 October 2004, for instance, “TAR” law enforcement bodies, in a week-long meeting in Lhasa, emphasized the need to maintain social stability by “striking hard” on “separatist forces” and, on 20 October 2004, the head of “TAR” PSB, Yang Song, said “Social stability is not only an essential need of the society, but also a very important political matter...to strike hard and suppress the separatists.”<sup>55</sup> The campaign was also re-launched for the winter, from 1 November to 30 December 2004, in Lhasa, “TAR”, with the aim of eliminating internal and external splittists or separatists, the influence of religion, terrorists and their activities, criminal activities, those who stifled stability and exile returnees linked with splittist groups.<sup>56</sup>

The campaign was again re-launched in Tibet in July 2005 prior to the official celebration of the 40th Founding Anniversary of the “TAR” on 1 September 2005. On 22 July 2005, the “TAR” Anti-separatist Committee and the Security Bureau Committee launched the “Summer Strike Hard” campaign which was aimed at preventing the outbreak of political incidents which might undermine the anniversary celebrations. The chief targets of the campaign were those with a record of political activism, ex-political prisoners and those with a criminal record. **Sonam Gyampo**<sup>57</sup>, a former political prisoner, was arrested by Chinese Security officials on 28 August 2005 at his home in Lhasa.<sup>58</sup> There were also unconfirmed reports of the arrest of in excess of 60 other Tibetans in the run up to anniversary celebrations.<sup>59</sup>

Finally, the “strike hard” campaign was again re-launched in May 2006 following a conference of leading party cadres of the TAR Committee of the CPC which was held on 15 and 16 May 2006. During the conference, 6 steps were put forward as a means of “striking hard” against political activities in Tibet, including the intensification of striking hard against separatists and the separatist movement; the intensification of the patriotic education campaign in monastic institutions; and striking hard against those violating state security.<sup>60</sup>

*The Chinese Authorities' Repressive Campaigns Aimed at  
Quashing Tibetan Political Resistance*

Both the “strike hard” and the “patriotic education” campaigns involve the abuse of the fundamental human rights of the Tibetan people by the authorities, through such means as the arbitrary arrest, detention, interrogation and torture, which are common features of both campaigns, or, if deemed to be “disloyal” to the Chinese State, dismissal from jobs and expulsion from religious institutions.



**Prisoners of Tibet**

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*2006 Special Report*



## 4

### RECENT CHANGE IN THE EPICENTER OF POLITICAL ACTIVISM FROM “TAR” TO NON-“TAR”

Between 1997 and 2001 there was a rapid decline in the number of Tibetans imprisoned on political charges inside the “TAR” and a marked increase in the number of political incidents leading to arrest in non-“TAR” areas of Tibet, like Qinghai and Sichuan Provinces. The decline in the number of political prisoners in “TAR” is due to a large number of releases and fewer detentions. However, this pattern appears to be changing. Some prisoners are still serving long sentences; and some have had their sentences extended. Furthermore, there have been a significant number of new detentions in the e region of Tibet, traditionally known as Kham and falling under Sichuan Province.

One factor slowing the decline in prisoner numbers is the substantial number of Tibetan political prisoners still serving sentences of 10 years or more. Most of them are in Drapchi Prison, Lhasa, with fewer than 10 Tibetan political prisoners serving such sentences at prisons other than Drapchi like in recently operational Chushul Prison, Lhasa Municipality and other prison in “TAR”. The main centre of Tibetan political imprisonment is still the Lhasa Municipality (Lhasa plus 7 counties); however, in the recent past, the centre of political activities has shifted from Lhasa to the eastern Tibetan region of Amdo, now incorporated into the Chinese provinces of Qinghai and Gansu. In late 1990s and at the beginning of the new millennium, Kardze (*Ch: Ganzi*) “TAP”, in Sichuan Province rose to prominence as a site of political protest leading to detention and this remains the case to date with various reports of arbitrary detention, arrest, incommunicado detention, torture and even the death of Tibetan political prisoners from this area.

In June 1999, Gonpo Lhudrup (24) from Kardze Monastery was arrested for fly-posting posters and the banned Tibetan national flag at his residence

## **Prisoners of Tibet**

### *2006 Special Report*

and around Kardze County. He was detained in Kardze Detention Centre for some days and was later moved to an unknown destination.<sup>61</sup> On 20 July 1999, PSB officials arrested 11 monks from Kardze 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.<sup>62</sup> Many highly respected religious leaders of various monasteries in the region have faced imprisonment and arbitrary detention for the expression of their beliefs and opinions and for open defiance of the edicts of the authorities. One of the biggest mass demonstration happened in front of the Kardze County People’s Government office and Kardze Detention Centre on 31 October 1999 when around 3000 Tibetan protestors demanded the immediate release of Geshe Sonam Phuntsok, a popular figure and great Buddhist practitioner, Sonam Choephel and Agya Tsering who were detained on grounds of suspicion for their involvement in political activities in October of 1999<sup>63</sup>. At least 80 Tibetans were reported to have been arrested in connection the protest and 9 of them are known to have been sentenced to 5 years’ imprisonment by the Kardze County People’s Court in February 2000<sup>64</sup>. These 9 Tibetans were paraded around their village, during which time 2 of them were severely beaten as a warning to other Tibetans of the consequences of such actions.<sup>65</sup> On 25 October 1999, Geshe was arrested and detained in Dartsedo Prison, Dartsedo County, Kardze “TAP”, for one year and four months. In March 2001, he was formally sentenced to five years’ imprisonment and completed his prison sentence in Chunagdong Prison #3<sup>66</sup>. He was accused of “inciting splittist activities among the masses, seeking an audience with the Dalai Lama and conducting a long-life prayer ceremony for the Dalai Lama”, among other charges.

In contrast to the significant levels of political protest and detention in the area traditionally known as Kham, Amdo has been less politically restive recently. From the current number of known political prisoners (116), 69 or 59.48% were arrested or detained between 2001-2006. Of which Sichuan Province and Qinghai Province accounts for 55 or majority of all confirmed records of detention in 2001-2006 i.e. whopping 79.71%. Sichuan province accounts for 27 or 49.09% and Qinghai region accounts for 28 or 50.90%. The “TAR” accounts for less than a quarter (20.28%) of all the detention and arrests between 2001-2006. The recent prominence of political detention in Kardze “TAP” arises principally from crackdowns in 1999 and in 2002 on the religious associates of Geshe Sonam Phuntsok and

*Recent Change in the Epicenter of Political Activism  
from “TAR” to non-“TAR”*

Trulku Tenzin Delek respectively; the arrest of Tibetans performing long-life prayers for the Dalai Lama in Kardze County; and from those arrested in connection with pro-independence activities. Majority of the arrested persons in those years were released after completing their short prison sentences of two three years. The recent rise in the cases of arrest and detention from traditional Amdo region in Qinghai province were due to rise in political activism in monasteries in the region. Between 2001-2006, if confirmed and unconfirmed records are considered together, the “TAR” accounts for about one quarter, Sichuan about a half, and Qinghai about one quarter of all Tibetan political prisoners.



**Prisoners of Tibet**

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*2006 Special Report*



## 5

### CHINESE CRIMINAL LAW AND THE CRIMINAL PROCEDURE LAW

In recent years, China has recorded unprecedented economic growth and ranks among the superpowers of the world. In order to benefit from this growth, the international community has shirked from directly criticising China's poor human rights records; instead placing emphasis on the development of the rule of law in China. Unfortunately, although the Chinese authorities have amended the law, the Chinese justice system still fails to honour its obligation to protect people in China from arbitrary detention and unfair trial.

China introduced revisions to its Criminal Procedure Law (CPL) in 1996 and Criminal Law in 1997. The revisions came into effect in January and October 1997 respectively; however, although they “heralded some positive changes to legislative frameworks in China, [they]...were not sufficient to satisfy the requirements of international human rights law and standards.”<sup>67</sup> A failing of the revisions which received much criticism was the re-labeling of “crimes of counterrevolution” as “crimes endangering state security”, “subversion” or “attempts to overthrow the state” in the revised CPL. The effect of the revisions was to enable China to legally continue its practice of arbitrary arrest. Since 1987, the vast majority of Tibetan prisoners have been arrested for participating in peaceful political activities such as demonstrations, distributing political leaflets and fly-posting. They have been charged, tried and sentenced in connection with such “crimes”. They are not recognized as political prisoners by the Chinese authorities, however, as the State maintains that there are no political prisoners in China given that political offences are not identified as such in Chinese law. The UN Special Rapporteur on Torture, or other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter “the UN Special Rapporteur”), Manfred Nowak, who visited China between November and December 2005, found that:

While the crimes of “counter-revolution” and “hooliganism” were removed from China's CL in 1997, they were replaced

## **Prisoners of Tibet**

### *2006 Special Report*

with equally vague crimes such as “endangering national security” which is applied to a broad range of offences...“splitting the State or undermining the unity of the country”...“armed rebellion or armed riot”...“subverting the State power or overthrowing the socialist system”...“espionage”...and “stealing, spying, buying or unlawfully supplying State secrets or intelligence to individuals outside the territory of China”... The vague definition of these crimes leaves their application open to abuse particularly of the rights to freedom of religion, speech, and assembly. In the report of its 2004 visit to China, the Working Group on Arbitrary Detention expressed concern regarding definitions in criminal law legislation having such vague, imprecise or sweeping elements...[and] recommended that these crimes be defined in precise terms and an exception be introduced into the CL to the effect that the peaceful activity in the exercise of the fundamental rights guaranteed by the Universal Declaration of Human Rights not be considered criminal. To date, this recommendation has not been implemented.<sup>68</sup>

The ambiguity of terms such as those which replaced “counter-revolution”, as highlighted above, has resulted in the suppression of multiple legitimate rights of Tibetans. Despite changes in the wording of the law, the underlying content of the law has remained the same. The effect and evident intention of the revisions to the criminal law was to increase the State’s ability to criminalize internationally recognized rights of free expression and association by augmenting the already lengthy list of punishable offenses.

A further serious failing of the revisions was that they did nothing to rationalize, let alone liberalize, the operation of administrative detention, which continues outside the statutory framework of the China’s criminal law. Amnesty International has welcomed the introduction of the clause “the State respects and safeguards human rights” into the Constitution of the PRC but criticizes the lack of reforms “to lay a solid foundation for the protection of human rights” and concludes that “human rights violations remain a prominent feature of the law enforcement and justice systems in the PRC.”<sup>69</sup>

## **Pre-trial detention**

One of the most criticized aspects of the 1979 CPL was the huge discretion vested in officials to detain suspects without judicial review. The revised CPL eliminated one form of pre-trial detention known as “shelter and investigation” (*Ch: Shourong Shencha*), a type of indefinite administrative detention widely used by the Chinese police to detain suspected criminals for extended periods with little or no access to the outside world; however, enormous discretion to detain suspected criminals without charge or trial remains a core deficiency of the Chinese criminal justice system. Under the revised CPL, persons originally subjected to “shelter and investigation” can now be detained for a maximum of 37 days before approval must be obtained from the procurator (state prosecutor) for formal arrest. The revised CPL, for the first time, places limits on non-custodial restrictions and restricts the ability of the police and procurator to extend detention indefinitely by citing a need for “supplementary investigation”; however, the provisions on pre-trial detention currently prescribed in the CPL still fall far short of recognized international standards. Furthermore, there is no way for a detainee to legally challenge the deprivation of his or her liberty. There are virtually no legal or other consequences for officials who ignore or misuse the laws regarding pre-trial detention and there is thus legal impunity for violators. The extensive loopholes contained in the law itself and misinterpretation of the law by officials allow the authorities enormous leeway to detain suspect for as long as they see fit prior to trial and it is during this period of detention that suspects are susceptible to the worst form of treatment.

These defects in the law, which will now be explored in more detail, together with the widespread use of extra-judicial measures to detain suspects, demonstrate that China is still a long way from having in place a system which protects the rights of suspects and defendants.

There are three types of custodial pretrial detention; coercive summons (*Ch: Juchuan*), criminal detention (*Ch: Juliu*), and arrest (*Ch: Daibu*); and two types of non-custodial pre-trial restriction without charge or judicial review; supervised residence (*Ch: Jianshi Juzhu*), which can last for up to 3 years, and taking a guarantee and awaiting trial (*Ch: Qubao Houshen*). Once a suspect has been arrested, he or she may be held for up to a total of 7 months in investigative detention or, if “new crimes”, are discovered,

## Prisoners of Tibet

### 2006 Special Report

indefinitely.<sup>70</sup> Detainees can still, therefore, legally be held in detention for long periods of time and in virtual incommunicado. They have no rights to *habeas corpus* or to bail, which are not provided for in Chinese law and only limited remedies if their detention exceeds legal time limits. If this is the case, they themselves or their lawyers or relatives may request release; however, although the law stipulates that in case of detention or arrest, the detained or arrested person's family or place of work must be informed of the reason for the detention or arrest and the whereabouts of the detained person within 24 hours, this requirement can be waived if, in the view of the police, this might hinder their investigation and in other circumstances and, as the UN Special Rapporteur found, "Although access to a lawyer is guaranteed by Chinese legislation, this safeguard is seriously limited in practice".<sup>71</sup>

## Restrictions on the right to legal representation

The United Nations has established the standard of full access to the defendant's lawyer of choice, requiring that "communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days."<sup>72</sup> Although suspects must, from the day they are first interrogated or are subject to compulsory measures by the authorities, be informed of their right to engage a lawyer, access can be delayed or hampered in certain circumstances. Access to a lawyer not only facilitates the preparation of a defence but should also serve to curb mistreatment of detainees. In China, however, legal assistance is denied until *after* initial questioning by the police takes place, meaning that there continues to be a significant risk of coerced confessions before a lawyer gains access to his or her client. This weakness was acknowledged by the Special Rapporteur who commented:

*The presence of a lawyer is not only a right guaranteed under international human rights law but also an important means to prevent the use of torture. Not only do lawyers ensure supervision of investigators' behaviour during interrogation, but they facilitate prosecution of investigators who have utilized torture. They also enable witnesses to provide evidence to court that statements were acquired through illegal means. Yet in China, most suspects are interrogated without lawyers.*

The revisions to the criminal law were notable for breaking down the long-standing barriers to the involvement of defence lawyers in pre-trial proceedings; however, provisions contrary to international law which have the potential to vitiate the progress thus made remain. The revised law fails to establish a clear duty to notify suspects of their right to a lawyer in the investigation stage and, more worryingly, the Chinese Communist Party (hereinafter referred to as “the CCP”) continues to exercise day-to-day control over the entire law implementation apparatus in China, severely compromising the possibility of establishing the judicial independence that is essential for the fair and impartial adjudication of cases. The impact of political control is most evident in cases involving the ill-defined and ambiguous “state secrets” where the police are given enormous power to block suspects’ access to lawyers. This demonstrates how any pretence that persons have equal protection under the law is dispensed with when the case involves “politically-sensitive” issues or defendants.

There are also other serious impediments to lawyers properly representing suspects, such as restrictions on access to public security case files; difficulty in obtaining information from the prosecution; the close supervision of and the imposition of time-limits upon meetings between lawyers and detainees; and the harassment, intimidation, detention and conviction of lawyers who too vigorously defend their clients.<sup>73</sup>

## **The endemic practice of torture in the Chinese criminal justice system**

Article 247 of the Criminal Law of the PRC stipulates that “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”;<sup>74</sup> however, such provisions in the law continue to be routinely trampled upon in the face of political considerations. The practice of torture in order to extract confessions is, however, acknowledged to be endemic in the Chinese criminal justice system:

*Chinese officials and analysts ...[characterizing] the torture problem as “widespread” in basic level organs; “deeply entrenched”, a “stubborn illness”, and a “malignant tumour” that “is difficult to stop” in practice, with forced confessions characterized as “common*

## **Prisoners of Tibet**

### *2006 Special Report*

*in many places in China because the police are often under great pressure from above to solve criminal cases".<sup>75</sup>*

Chinese criminal law does not expressly or unequivocally bar the use of the confession evidence obtained through torture in court proceedings. The law currently only prohibits the conviction of an individual solely on the basis of a confession obtained through torture.

### **Administrative detention: re-education through labour ("RTL")**

A further problem, as highlighted above, is the extensive use of administrative detention such as re-education through labour (RTL) which was untouched by the revisions to criminal law, given that it operates outside of the criminal law and is at times employed by the police to avoid even the minimal rights safeguards provided to detainees by Chinese criminal law. As an administrative rather than criminal sanction, RTL is imposed not by courts but by committees dominated by the police. It is, therefore, not subject to the procedural requirements or supervisory mechanisms contained in the CPL, though it is a harsh sanction (involving detention for one to 4 years in length) and is carried out in conditions largely indistinguishable from prison camps. The UN Special Rapporteur concluded:

RTL constitutes not only a serious violation of the human right to personal liberty, but can also be considered as a form of inhuman and degrading treatment or punishment, if not mental torture. RTL and similar measures of forced re-education in prisons, pretrial detention centres, religious institutions and psychiatric hospitals should therefore be abolished.<sup>76</sup>

Tibetans can therefore be denied their liberty without criminal trial under a variety of legal provisions and, from the time they are taken into custody by PSB officials until their eventual release, may be held in a wide variety of institutions, including police lock-ups, municipal or county detention centres, labour camps and prisons. Detainees and prisoners are often transferred between these different institutions and it is often not until a detainee or prisoner is released that his or her place(s) of detention become

known. Every county in Tibet outside the “TAR” is believed to have a detention centre run by the PSB where most detainees are held for initial interrogation. Most prefectures, the next highest administrative division, have at least one formally designated prison and often several labour camps; whilst there are many “RTL” camps and various networks of prisons and detention centres across the “TAR”<sup>77</sup>

## **Unfair trial**

In the case of trial proceedings, the revisions to the criminal law strengthened the role of the trial court and increased emphasis on the presentation of evidence in court. This should have resulted in a trial process which is more transparent and less vulnerable to decisions taken behind the closed doors; however, the revised law continues to allow closed trials in cases involving so-called “state secrets” and defence lawyers, although playing a more active role than in the past, are still at a clear disadvantage relative to the prosecutor in terms of their ability of review case materials, gather evidence, and call witnesses.

## **Lack of independence in the criminal justice system**

The Chinese judiciary is far from independent. The power of the CCP continues to prevent China’s judiciary from developing a truly independent role. The CCP is able to wield its influence in relation to the appointment and removal of judges and court presidents continue to wield a wide range of powers that effectively limit the independence of the judges under their authority. Intervention in the judiciary’s daily work is most directly exercised by the CCP through political-legal committees (*Ch: zhengfa weiyuanhui*) which are responsible for implementing Party policy in legal affairs.

As highlighted by the UN Special Rapporteur, another serious failing of the Chinese criminal justice system is the lack of an independent monitoring mechanism in places of detention and an adequate complaints mechanism. The Communist Party Committee, along with the Government’s political and personnel departments,

oversees hiring, firing, review and promotion in every Public Security Bureau department; the public security branches of the Party’s Discipline Inspection Committee and the

## **Prisoners of Tibet**

### *2006 Special Report*

Government's Ministry of Supervision; the "Masses Letters and Visits Office" that accept and investigate citizens' complaints within each Public Security Bureau department; and the Procurators... these mechanisms are largely ineffective due to the fact that the pressure to crack cases is larger than the incentive to address abuses. Yet priority seems to still be placed on developing systems for internal investigation as opposed to independent monitoring. Complex systems for "allocating responsibility" have been publicized in the police, procuratorate and courts in recent years. It is still unclear what impact these will have in practice, particularly as they will be unlikely to exercise genuine independence from Government institutions and authorities... procurators... are mandated to monitor police [but]...it is difficult to rely on the vigilance of procurators whose interest in convicting suspects as charged might compromise their ability to oversee the police and prison guards...procurators encounter substantial difficulties in practice to exercise their supervisory role, including because detainees are afraid to report instances of torture to them. The inefficiency of current complaint and oversight mechanisms is clear from the paucity of complaints and prosecutions in a country the size of China.<sup>78</sup>

Despite some efforts being made in the revisions to the criminal law in 1997, there has so far been a failure to recognize that the only way to bring about meaningful change to China's legal system is through substantial institutional reform guided by the principle of a true separation of powers.

Other key deficiencies in the Chinese criminal justice system which the revisions to the criminal law did not remedy are that the law does not provide adequate safeguards against the use of evidence gathered through torture and other illegal means; remedies for violations of suspects' and defendants' right are weak and often invoked only at the discretion of the law enforcement bodies themselves; the law does not fully recognize the presumption of innocence which has never been fully granted to criminal defendants in China;<sup>79</sup> and it is not possible to properly test witness evidence at trial. One expert<sup>80</sup> reported that less than 5 percent of criminal trials involve witnesses. The evidence in most trials merely consists of the procurator reading the statements of witnesses whom neither the defendant

nor his lawyer has ever had the opportunity to question. The defendant and his lawyer also do not have the ability to force witnesses to testify on the defendant's behalf. In some politically sensitive cases, neither the defendant nor his lawyer is even allowed to speak. Another expert found that defence lawyers present a defence in less than 30 percent of criminal cases.<sup>81</sup>

## **The situation in Tibet**

The police and prison authorities in Tibet, unlike elsewhere in China, fall under the jurisdiction of the Ministry of Public Security rather than the Ministry of Justice. The police seldom produce detention, arrest, and search warrants guaranteed by the CPL, the judiciary is not independent, and trials fail to meet international minimum standards of justice and fairness. The 1997 revisions to China's CPL specifically ban human rights abuses during interrogation and yet torture continues to be the most common means of extracting confessions. Failure to "confess" and plead guilty inevitably ensures a longer sentence. Courts at all levels are subject to close scrutiny and control by branches of the CCP. Guilt is virtually predetermined with verdicts being decided by party officials before trials.

## **The crackdown on political crimes leading to violations of basic human rights**

The Chinese criminal justice system has long been plagued by violations of basic human rights and the revisions to the criminal law have by no means put an end to such violations, as has been demonstrated by the events of the past decade. Under the banner of the "strike hard" campaign, which was discussed in the previous section of the report, and the global war against terrorism, China has clamped down on activities that supposedly threaten national stability. Many Tibetans have been arrested, detained, tortured and imprisoned as a result of the criminalization of their non-violent political activities. An increased emphasis has been given to crimes of "splittism" in the revised criminal law, which has had a significant impact upon Tibetans. Article 103 of the revised Criminal Law deals specifically with crimes of organizing, plotting or acting to split the country. It states that

## **Prisoners of Tibet**

### *2006 Special Report*

...whoever organizes, plots, or acts to split the country or undermine national unification, the ringleader, or the one whose crime is grave, is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants are to be sentenced to not less than three but not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Whoever instigates to split the country and undermine national unification is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; ringleaders or those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Under the 1979 Criminal Law, Article 91 dealt with colluding and plotting to “harm the sovereignty, territorial integrity and security of the motherland” and Article 92 dealt with “plots to dismember the state”. The revised Criminal Law now has a total of 5 articles (102 to 107) dealing with such matters, indicating the increasing determination of the Chinese authorities to eradicate such activities. Article 105 of the CPL allows for closed trials for crimes threatening state security, which includes “incitement to subvert the political power of the state and overthrow the socialist system by means of spreading rumors, slander or other means.” Chinese Law does not further define the term “other means”. By providing such an overly inclusive definition, this vague provision provides for closed trials for Tibetans whose only crime is having faith in and supporting the Dalai Lama or exercising other fundamental human rights, such as participating in peaceful demonstrations and the distribution or display of materials calling for the respect of human rights and Tibet’s independence. Many political prisoners have already served long sentences, deprived of their freedom, in connection with such activities; for some their current sentence may be their second or third for such activities.

The Special Rapporteur concluded that:

The human rights to privacy, freedom of expression, religion, assembly and association lie at the very heart of a democratic

society, which, according to its White Paper on Democracy, China has committed *itself to achieve*. Under international human rights law, Governments can only interfere with the expression of political opinions, religious convictions, moral values or minority views when they constitute incitement to hatred or violence or a direct threat to national security or public safety in the country. A system of State surveillance of citizens with non-conformist views and with severe punishments for such “deviant behaviour”, such as long-term prison sentences for vaguely defined crimes, including endangering national security, undermining the unity of the country, subverting State power, or unlawfully supplying State secrets to individuals outside the territory, as well as subjecting them to RTL, seems to be incompatible with the core values of a society based upon a culture of human rights and leads to intimidation, submissiveness, self-censorship and a “culture of fear”, which in turn interferes with the right not to be subjected to inhuman and degrading treatment or punishment.<sup>82</sup>

## **Discrimination against Tibetans**

Although Chinese law guarantees equal treatment to all citizens, there is substantial evidence to suggest that Tibetan activists are routinely denied many rights guaranteed under Chinese criminal law which is applied in a discriminatory manner in politically sensitive cases. For instance, the authorities blatantly deny dissident defendants the right to retain lawyers on the grounds that the case involves “state secrets”. In the cases of **Trulku Tenzin Delek** and **Lobsang Dhondup**,<sup>83</sup> both were denied fair and public trials. Chinese law generally provides for a public trial, but holds closed trials in “state secrets” cases. The broadly defined “state secrets” include all cases against Tibetans that involve claims for Tibetan independence.<sup>84</sup> In other cases, lawyers are dissuaded from representing people involved in such cases as a result of both political pressure and the onerous regulations that govern the handling of such cases. In such cases, defendants are denied a range of rights including the right to family notification of arrest or detention, the right to public trial, and the ability to properly present a defence. Such clear and consistent violations of procedural rights call into

## **Prisoners of Tibet**

### *2006 Special Report*

question the Chinese authorities' commitment to equal protection of the law for all citizens under its constitution and various other laws.

The UN Commission on Human Rights studied how the vague definition of "state secrets" leads to potential abuses. The UN Working Group on Arbitrary Detention (WGAD)<sup>85</sup> issued the following report<sup>86</sup> after their visit to China in 1997:

Under Article 105, even communication of thoughts and ideas or, for that matter, opinions, without intent to commit any violent or criminal act, may be regarded as subversion. Ordinarily, an act of subversion requires more than mere communication of thoughts and ideas.

It may be relevant to mention that article 105 of the revised Criminal Law incorporates key elements of articles 92, 98 and 102 of the 1979 Law. Article 92 related to the subversion of the Government, article 98 referred to organizing and / or participating in a "counter-revolutionary group" and article 102 referred to counter-revolutionary propaganda and incitement.

Various provisions within the criminal law reveal that it contravenes international law. The UN Working Group on Arbitrary Detention expressed concern about the articles of the law relating to "endangering state security", saying:

The revised Criminal law, in the context of offences endangering national security, makes no attempt to establish standards to determine the quality of acts that might or could harm national security. That the Law establish such a standard is crucial, as that alone would make the Law reasonable, fair and just. Clearly, the national security law may be misused and, as long as it is part of the statute, it provides a rationale for restricting fundamental human rights and basic freedoms.<sup>87</sup>

## 6

### PRISON CONDITIONS IN TIBET

As indicated previously, the prison system in Tibet, unlike elsewhere in China, falls under the jurisdiction of the Ministry of Public Security rather than the Ministry of Justice. Prison conditions in Tibet, as in the rest of China, are

harsh and frequently degrading. Prisoners and detainees often [are]...kept in overcrowded conditions with poor sanitation...Food [is] often...inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods. Political prisoners [are]...segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refuse... to acknowledge committing crimes...[are] particularly vulnerable to beatings.<sup>88</sup>

Prisoners are denied proper medical treatment, with cases of flu attacks and stomach problems, such as diarrhea, not being considered as illnesses. In cases where prisoners' illnesses warrant urgent or emergency operations, they are often taken back to their prison cell the morning after their operations without receiving necessary post-operation medical care. As a result, many suffer from inflammation of their wounds or pus accumulations due to infection. Medical supplies in prison hospitals are inadequate and inappropriate medicines are used to treat complaints and patients are often used as guinea pigs by untrained health staff who need to practice their skills. TCHRD had recorded cases of deaths caused through inadequate medical treatment, including that of Phuntsok Yangkyi, 20, a nun of Michugri Nunnery who went into a coma after being severely beaten and kicked by the prison guards at Drapchi Prison and who died on 4 June 1994; and Gyaltsen Kalsang (layname: Kalsang Dolma), 24, a nun from Garu Nunnery who died on 20 February 1995.<sup>89</sup>

## **Prisoners of Tibet**

### *2006 Special Report*

Female political prisoners, mostly nuns, are set daily production targets of 4 *Gyamas* (a unit of measurement equivalent to 500 grams) of wool that must be washed, refined and then spun into yarn. They are deliberately made to work outside in the hot scorching sun. They have also been subjected to “physical education” which can last for 10 hours a day and which comprises marching and formation drills.

The overall conditions in many prisons are, in short, so deficient as to constitute cruel, inhuman or degrading treatment, violating article 7 of the International Covenant on Civil and Political Rights. Practice in Tibet’s Chinese-administered prisons also contravenes the provisions of “Penal Code and Prison Regulations of the People’s Republic of China” published on 30 December 1994. Suppression and punishment are used as tools to force Tibetan political prisoners to say or do things against their will and conscience, such as singing Chinese patriotic songs, acknowledging and accepting the Chinese-selected Panchen Lama, studying and accepting a distorted and Sinicized version of history and denouncing the Dalai Lama. The UN Special Rapporteur found that political prisoners often have no right to work, very little time for recreation and are not usually allowed to practice their religion; whilst convicted prisoners who have not confessed to their crimes are put under special education systems and are deprived of certain rights and privileges which other prisoners enjoy, such as family visits, access to a telephone or the incentive of reduced sentences. He found that “[s]uch additional punishment is not compatible with the right to personal integrity, dignity and humanity.”<sup>90</sup>

The conditions which prisoners are forced to endure: being confined to their cells for lengthy periods of time; being deprived of other human contact; and lacking opportunities for exercise, work, education, and other activities, violate the UN Standard Minimum Rules for the Treatment of Prisoners, a widely accepted set of prison standards, described as “the minimum conditions which are accepted as suitable by the United Nations.” With little opportunity to draw public attention to the violations of their rights, prisoners in Tibet have protested against the conditions in which they are held by means of joint hunger strikes, shouting campaigns on behalf of prisoners in particular trouble, collective refusal to meet visitors, and attempting to pass letters to the outside world. For instance, an important protest took place at Drapchi in 1990 when a 20 year old prisoner, Lhakpa Tsering, was denied medical treatment after he had been severely beaten

### *Prison Conditions in Tibet*

and punished. Although prison officials eventually provided some minimal treatment in response to demands from other inmates, he died on 15 December 1990. Some 90 prisoners responded by writing “We mourn Lhakpa Tsering’s death” on a bed sheet and displaying it to prison officials. Veiled threats succeeded in silencing the prisoners and no repercussions followed.<sup>91</sup>

In 1991, there were two major protests in Drapchi Prison when prisoners attempted to highlight their plight whilst diplomats were visiting the prison. On both occasions, the prison authorities responded harshly. On 31 March 1991, James Lilley, the then U.S. Ambassador to China, visited Drapchi prison. Despite the prison authorities’ attempts to distance him from political prisoners, **Lobsang Tenzin**,<sup>92</sup> 40, a former Tibetan student, whose death sentence on a charge of murder was commuted to life and then to a fixed term of 18 years, and another prisoner, Tenpa Wangdrak, managed to hand him a letter detailing their grievances. His interpreter immediately snatched the letter from his hands. Both were subjected to severe torture and beatings and were later put in solitary confinement, before being transferred to Powo Tramo Prison after other prisoners protested against their maltreatment. On 6 December 1991, Tanak Jigme Sangpo, having already been punished for an earlier protest at Drapchi, staged a protest when a Swiss delegation, which included Swiss Ambassador to China, visited Drapchi prison. He shouted pro-independence slogans. He was severely beaten and transferred to solitary confinement. His sentence, then 19 years, was increased to 28 years.

A further dramatic incident took place in Drapchi Prison in 1997 when Nyima, a nun from Phenpo Poto Nunnery in Phenpo Lhundrup County, and Jamdron, aged 23, a nun from Phenpo Gyarak Nunnery, were interrogated and beaten before being placed in solitary confinement for prolonged periods of time for singing Tibetan independence songs instead of singing a eulogy in tribute to Mao at the time of the Tibetan Losar (New Year) celebrations from February 8-10 1997.<sup>93</sup> Other nuns imprisoned in Drapchi protested in support of Nyima and Jamdron’s release and the prison guards reportedly called in army officials to control the prisoners and confined them to their cells for 3 days. On the fourth day, the nuns were taken out for regular exercise and then began a hunger strike, refusing to eat until Nyima and Jamdron were released from solitary confinement. The head of the prison refused to release the 2 nuns, insisted that the

## **Prisoners of Tibet**

### *2006 Special Report*

hunger strike be called off and advised that the nuns to “come out clearly with their thoughts and points” regarding mismanagement by the prison authorities. Nyima and Jamdron remained in solitary confinement until the expiry of their sentences. Although prisoners are often punished by being kept in solitary confinement for restricted periods, the cases of Nyima and Jamdron are unique due to the extreme length of their solitary confinement.<sup>94</sup>

Lhundup Sangmo, one of the famous “14 Singing nuns” who escaped to exile after completing 9 years’ imprisonment in Drapchi Prison for her peaceful demonstration, arrived at the Tibetan Reception Centre in Dharamsala on 3 June 2006 and recalled her defiant action against authorities:

In April 1996, prison officials alleged that a few prisoners were unhygienic and beat them severely, which led to protest by some prisoners. Subsequently, Ngawang Sangdrol, Phuntsok Pema and Norzin Wangmo were kept in solitary confinement for their protest. In protest against the solitary confinement of the above mentioned nuns and as a mark of solidarity, all of the nuns in the prison went on a hunger strike and did not take even a drop of water for 4 days. Our health grew weaker with each passing day. However, on the fourth day, the head of the prison forced us to call off the hunger strike. Due to that incident, Ngawang Sangdrol’s prison sentence was further increased by 8 years and Phuntsok Pema and Norzin Wangmo were put in the solitary confinement for 6 months.<sup>95</sup>

Up to 11 prisoners reportedly died following protests in Drapchi Prison on 1 and 4 May 1998, the latter being the date of a visit to the prison by an EU delegation. During both incidents, prisoners shouted slogans in support of Tibetan independence and the Dalai Lama. In the weeks following the EU visit, scores of prisoners were interrogated, beaten, and placed in solitary confinement.

Detailed information of retribution against prisoners involved in a protest in October 1997 during the visit of the UN Working Group on Arbitrary Detention (WGAD) only became known in 1998. Sonam Tsewang, Triga and Wangdu, 3 Tibetan non-political prisoners, organised a short protest during and after the visit of UN delegation to Drapchi Prison in October

### *Prison Conditions in Tibet*

1997 as they did not want the independent experts to be misled by prison authorities. They were consequently beaten and put in solitary confinement. The delegation's report made no mention of the incident and was criticized by non-governmental organizations.<sup>96</sup> According to a source inside Tibet, after the incident the 3 were tied with ropes and brought to a prisoner meeting where it was announced that their sentences had been increased. A letter from Wu Jianmin, the permanent representative at the UN, claimed

Neither Sonam Tsewang nor any other inmate in Drapchi prison has been beaten or suffered any reprisals as a result of the interviews by the working group. They are still serving their sentences in that prison, leading a normal life and enjoying the same treatment as other inmates.<sup>97</sup>

The Chinese authorities also gave assurances that no punitive actions would be taken against the prisoners<sup>98</sup>. However, Sonam Tsewang was reportedly given a sentence extension of 5 years after he said "Long live the Dalai Lama" during the visit of UN delegation, and the other 2 Tibetans, Tringa and Wangdu, also had their sentences extended by at least 3 years for involvement in the protest.<sup>99</sup>

Former political prisoner Ngawang Sangdrol, a nun who was released in October 2002 after serving 11 years of a 21 year sentence, witnessed Sonam Tsewang's punishment following the departure of the UN delegates from Drapchi:

They held a meeting to make an example of him. It was really frightening. They tied him with his hands behind his back and dragged him across the floor. All the time they were trying to make him lower his head, but still he tried to look up at us all, and he was still trying to smile somehow.<sup>100</sup>

Reports from unofficial sources indicate that prior to delegation visits, the Chinese authorities clean prisons and prisoners are briefed on behaviour so that a prison conditions are portrayed in a positive light. Many prisoners, however, blatantly disregard warnings given by the Chinese authorities and attempt to inform visitors of the true conditions of their imprisonment. In every reported case, these acts of defiance have led to punishment of prisoners, including torture, or heavy sentence extensions.<sup>101</sup>

## **Prisoners of Tibet**

### *2006 Special Report*

Many prisoners died in 1998 as a result of torture, harsh and inhuman treatment while in prison. These included a young 24-year-old monk from Gaden Monastery, Yeshe Samten, who died on May 12, 1998, 6 days after he was released from Trisam Prison, reportedly as a result of the torture he had suffered during his two-year sentence; Khedrup, 26, a monk from Gaden Monastery, who was arrested in 1994 and is reported to have died on 23 May 1998, after being placed in solitary confinement and being subjected to severe beatings and torture following the May 1998 protests; Lobsang Wangchuk (lay name: Ngawang Tenkyong) from Meldrogungkar, a monk from Gaden Monastery, who was serving 10-year sentence for participating in a peaceful pro-independence demonstration in May 1996 in Lhasa and who, after participating in the 1 and 4 May 1998 protests, suffered extensive beatings and torture and died on 6 May 1998 in Drapchi Prison; and Tsultrim Sangmo, a nun from Sharbumba Nunnery who was sentenced to 5 years' imprisonment for her peaceful pro-independence demonstration in Lhasa with 4 other nuns and who was subjected to severe torture after participating in the 4 May 1998 protest at Drapchi prison and who succumbed to her injuries in June 1998.

In 1998, Amnesty International expressed concerns that torture and ill-treatment of detainees in prisons and labour camps remained widespread, sometimes resulting in death.<sup>102</sup> Similarly, in 1999, Physicians for Human Rights stated that the frequency of torture—including psychological abuse, beatings, rape, the use of electric cattle prods and prolonged periods of starvation—suggested that torture was part of a widespread pattern of abuse.<sup>103</sup>

The International Rehabilitation Council for Torture Victims observed in 1999 that despite the imposition of laws barring torture by prison personnel, as enshrined in Article 14 of the 1994 Chinese Prison Regulations, abuses such as extortion of confessions through torture, inflicting corporal punishment or maltreating prisoners, subjecting prisoners to indignity and beating prisoners or failing to take action when other people beat them, continued.<sup>104</sup>

In addition to routinely meting out torture and inhuman treatment to prisoners whilst they are imprisoned, the authorities are also determined to subject former political prisoners to a life of privation and isolation after their release from prison. Many need long term medical attention following

*Prison Conditions in Tibet*

their release but simply cannot afford the exorbitant medical expenses they must pay in connection with the same and have to withdraw from hospital. Upon release from prison, former political prisoners are banned from rejoining their former work places and religious institutions. Instead, they are compelled to return to their places of origin, in most cases to rural areas, where they become virtual pariahs in society and are ostracized as they are under the constant glare of the authorities in their daily lives. It is difficult for them to work and even starting a private enterprise is not an option since licenses must be obtained from the authorities. Friends and relatives are warned against associating with them or helping them. Those extending help to them may be accused of harbouring secret sympathy for “separatism” and sentenced accordingly. Former political prisoners are ordered to report frequently to the local PSB for further interrogation and they are not allowed to leave their villages without PSB permission. They and their families are placed under constant surveillance and, in many cases, their family members are subjected to economic and social hardship, including being expelled from their jobs or demoted, or being expelled from schools. Many former political prisoners report that trying to lead a normal life after prison is far harder than their actual sentence and that they feel that their only option is to escape over the Himalayas and seek a new life in exile.

**Prisoners of Tibet**

*2006 Special Report*

## TREATMENT OF PRISONERS: UN HUMAN RIGHTS STANDARDS

Normally shielded from public view and scrutiny and populated largely by the politically powerless, prisons tend to be hidden sites of human rights abuses. The political status of Tibet and the authorities' tendency toward secrecy and silence poses a huge obstacle in terms of obtaining access to prisons, monitoring prison conditions, and publicizing abuses.

Torture is prohibited without exception or derogation under international law which also protects the rights of prisoners. The prohibition of torture is one of most fundamental aspects of international human rights law. Article 5 of the Universal Declaration of Human Rights holds that, "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment." Similarly, Article 7 of the ICCPR, states that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation" and Article 2 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as "the CAT") states;

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any public emergency, may be invoked as a justification of torture.

Article 10 of the ICCPR mandates that, "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for inherent dignity of the human person" and requires that "the reform and social re-adaptation of prisoners" be an "essential aim" of imprisonment. The UN Human Rights Committee, provided guidance upon the treatment of prisoners in 1992, commenting that states have "a positive obligation toward persons who are

## **Prisoners of Tibet**

### *2006 Special Report*

particularly vulnerable because of their status as persons deprived of liberty” and that

[N]ot only may persons deprived of their liberty not be subjected to [torture or other cruel, inhuman or degrading treatment or punishment], including medical or scientific experimentation, but neither may they be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons. Persons deprived of their liberty enjoy all the rights set forth in the [ICCPR], subject to the restrictions that are unavoidable in a closed environment.<sup>105</sup>

The Human Rights Committee has also stressed that the obligation to treat persons deprived of their liberty with dignity and humanity is a fundamental and universally applicable rule, not dependent on the material resources available to the State Party.<sup>106</sup>

China has ratified the CAT and has signed the ICCPR. We will now further examine its obligations under the CAT.

Under Article 19 of the CAT, State Parties to the Convention must submit to the Committee Against Torture, via the UN Secretary-General, periodic reports (every 4 years) detailing the measures they have taken to implement their commitments under the Convention. These reports are then subject to the Committee’s revision and comments and information from them can be included in the Committee’s annual report.<sup>107</sup> So far, China has submitted 4 periodic reports to the Committee. The fourth periodic report was due on 2 November 2001 but was not submitted until 14 February 2006.<sup>108</sup> The Committee has repeatedly expressed its concern “about the continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities.”<sup>109</sup>

If the Committee Against torture receives information which contains “well-founded indications that torture is being systematically practiced in the territory of a State Party”, it must, under Article 20 of CAT, invite the State Party to co-operate in the examination of the information, take into consideration the State Party’s observations and any other relevant information and may, if it decides that it is warranted, designate one or

*Treatment of Prisoners: UN Human Rights Standards*

more of its members to make a confidential report and report to the Committee urgently. The Committee must seek the co-operation of the State Party in making such inquiry, which may include a visit to the State Party's territory and, after examining the findings of its member or members, these are transmitted together with appropriate comments or suggestions, to the State Party. All of the above-mentioned proceedings of the Committee are confidential and after the proceedings have concluded, the Committee, may, after consultation with the State Party, decide to include a summary account of the results of its proceedings in its annual report. However, the competence conferred upon the Committee by Article 20 is optional. The State Party may, at the time of ratifying or acceding to the CAT, declare that it does not recognize this competence.<sup>110</sup> China has ratified the CAT, which came into force on 3 November 1988; however, it entered a reservation in respect of Article 20, indicating that it did not consider itself bound by the article.

In recent years, a UN working group has been attempting to draft a treaty, conceived as an optional protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), that would establish a UN sub-committee authorized to make periodic and ad hoc visits to places of detention, including the prisons, detention centres and police stations in the territories of States which are party to the treaty. As described in the draft treaty, the basic goal of the sub-committee would be to prevent torture and ill-treatment. The proposed monitoring mechanism holds great promise, yet it also has serious potential flaws. Notable among them is the possibility that the sub-committee could be entirely barred from reporting publicly on the abuse it discovers, pursuant to a strict rule of confidentiality that some countries have advocated. Although the draft treaty favours cooperation between governments and the sub-committee as a means of instituting remedial measures, it must, if it is to create an effective mechanism, leave open the possibility of public reporting, at least in situations where governments stubbornly refuse to cooperate with the sub-committee or to implement its recommendations.

In addition to the Committee Against Torture, the UN Commission of Human Rights appointed a Special Rapporteur to seek credible information on torture and human rights abuses of prisoners and detainees and to respond to the same without delay. While the Committee examines specific allegations of torture, the Special Rapporteur monitors torture in general.<sup>111</sup>

## **Prisoners of Tibet**

### *2006 Special Report*

The Special Rapporteur may ask the government of an individual state party to provide information on its legislative and administrative measures to prevent torture of prisoners and detainees and to remedy its consequences. Unlike the complaint mechanisms of the human rights treaty monitoring bodies, the Special Rapporteur does not require the exhaustion of domestic remedies before being in a position to act and the mandate covers all countries, irrespective of whether a State has ratified the CAT. The Special Rapporteur is principally concerned with the transmission of urgent appeals to States with regard to individuals reported to be at risk of torture; communications on alleged cases of torture in the past; and the submission of annual reports to the Commission of Human Rights and the UN General Assembly. The Special Rapporteur may send joint communications or seek joint missions with other thematic mechanisms and country rapporteurs. As has been mentioned already in this report, the last visit of the UN Special Rapporteur on Torture, or other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, to China was between November and December 2005.

As well as the above-mentioned declaration and treaties, several additional international documents flesh out the human rights of persons deprived of their liberty, providing guidance as to how governments can comply with their international legal obligations. The most comprehensive such guidelines are the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Standard Minimum Rules), adopted by the first UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955<sup>112</sup> and by the UN Economic and Social Council in 1957. Although the Standard Minimum Rules are not a treaty, they constitute an authoritative guide to binding treaty standards. Despite the promulgation of these standards many decades ago, however, the international community, whilst embracing them in theory, has failed to implement them in practice.

On evaluating prison conditions, other important instruments are the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment,<sup>113</sup> endorsed by the UN General Assembly in 1984, and the Basic Principles for the Treatment of Prisoners,<sup>114</sup> as well as, with regard to juvenile prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the “Beijing Rules”). All of the above-mentioned instruments clearly reaffirm the principle that

## *Treatment of Prisoners: UN Human Rights Standards*

prisoners retain fundamental human rights enshrined in the UN Declaration of Human Rights and the major covenants. The Basic Principles for the Treatment of Prisoners adopted by the UN resolution, state that, “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings” and

Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants.<sup>115</sup>

Like the Standard Minimum Rules, these instruments are binding on governments to the extent that the norms set out therein elucidate the broader standards contained in human rights treaties.

## **endnotes**

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### 2006 Special Report

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- 22 Karma Sonam’s profile is contained in the final section of this report
- 23 “Two Prisoners shot dead in Drapchi prison” TCHRD Update dated 15 June 1998
- 24 Sentence extensions and shooting incident at Drapchi: confirmation of reprisals for May 1998 protests. *Tibet Information Network* (TIN) News Update 15 December 1999, Also at: <http://www.tibetinfo.net/news-updates/nu151299.htm> and pages 39-59 of Rukhag 3: The Nuns of Drapchi Prison at [http://www.tibetinfo.net/publications/bbp/rukhang\\_3.htm](http://www.tibetinfo.net/publications/bbp/rukhang_3.htm))
- 25 Twenty-six year old Ngawang Choekyi from Phenpo in Lhundrup County ‘TAR’ reportedly died on 7 June 1998, 26-year-old Lobsang Wangmo from Phenpo in Lhundrup County, who have been sentenced to five years; 20-year old Dekyi Yangzom from Nyemo County who had been sentenced to four years; 23-year old Choekyi Wangmo from Phenpo, sentenced to five years; 25-year old Kundrub (or Khedron), Yonten from Nyemo serving five years and Tashi Lhamo, a nun in her early twenties from Nyemo County.
- 26 “Rukhag #3: the nuns of Drapchi Prison” Steven D Marshall, (*Tibet Information Network*, London) September 2000, p.42
- 27 Ibid at p.43
- 28 Lhundrup Sangmo, one of the “Drapchi 14 singing nuns” in exile: *Human Rights Update*, TCHRD, July 2006
- 29 “Rukhag #3: the nuns of Drapchi Prison” Steven D Marshall, *Tibet Information Network* (TIN), London September 2000, at p.46
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### 2006 Special Report

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## Prisoners of Tibet

### 2006 Special Report

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**Prisoners of Tibet**

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*2006 Special Report*



## PROFILE OF CURRENT KNOWN POLITICAL PRISONERS

Atsag, (lay name: Dawa Dhondup) 30, Jampa Tenkyong, Jampa Lodroe, Pasang Tseggye (lay name: Pasang Tsering), Tenzin Gelek (lay name: Penpa), Yonten Gyalpo (lay name: Tenzin Norbu), Lobsang Wangchuk, Lobsang Dawa, Kunchok Dhondup, Phuntsok Dhondup (lay name: Tsering Bakdro), Tasang Norbu, and Yeshe Rabgyal (lay name: Bhagdro), are monks from Gaden Monastery who were arrested on 7 May 1996. On 6 May 1996, during a patriotic re-education session, a “work team” came to order the monks of Gaden Monastery to take down all photos of the Dalai Lama and imposed a total ban on them. This order was met with strong protest from the monks, numbering about 200, who refused to follow it. There was an enormous commotion between the “work team” and the monks which left the 18 members “work team” with no choice but to abandon the session. A large number of monks led by Yeshe Rabgyal approached the “work team” members and appealed to them not to enforce the announced ban. The monks asserted that they would sacrifice their lives, but would not give up pictures of the Dalai Lama. The officials appeared to feel threatened by the group and immediately left the monastery. They returned that same night with reinforcements, which consisted of 10 trucks full of People’s Armed Police (PAP) forces and Public Security Bureau (PSB) officers. A scuffle broke out as officers surrounded and prepared to enter the monastery, with monks throwing stones at the officers. The PAP started shooting at the monks. In the ensuing fight, 2 Chinese police officials and 2 monks were injured. As the situation worsened, the monks ran into the hills surrounding the monastery and, in self-defence, hurled rocks down upon the Chinese officials. It is believed that 2 monks were shot dead, while over 41 were arrested. Over time, more monks were arrested. Some fled the monastery in order to escape arrest and punishment, and for 2 months the monastery remained closed. By the end of August 1998, a total of 62 monks and one layman had been detained.

Atsag, Phuntsok Dhondup, Lobsang Wangchuk, and Tasang Norbu were sentenced to 10 years’ imprisonment. Tenzin Gelek, Yonten Gyalpo, Lobsang Dawa, Pasang Tseggye and Kunchok Dhondup were sentenced to

## **Prisoners of Tibet**

### *2006 Special Report*

12 years' imprisonment. Yeshe Rabgyal, Jampa Lodroe, and Jampa Tenkyong were sentenced to 15 years' imprisonment. Lobsang Dawa died at the age of 31 on May 20, 1999, due to the torture sustained while he was imprisoned. The remaining monks are serving their prison sentences at Chushul Prison.

**Bangri Chogtrul Rinpoche** (lay name: Jigme Tenzin), 40 year-old was born in Nangchen County (*Ch: Nangqian*), Kyegudo (*Ch: Yushu*), Tibet Autonomous Prefecture, Qinghai Province was recognized as the reincarnation of Bangri Rinpoche of Nangchen Bangri Monastery by the late 10th Panchen Lama.



Bangri Rinpoche and his wife Nyima Choedon, 38-year old former nun, headed the Gyatso Orphanage in Gyatso Township, near to Norbulingka Palace, Lhasa which they established through their own expenses and generous donations. In May 1996, 40 orphans from various parts of Tibet were admitted to the orphanage. Bangri Rinpoche took overall responsibility for looking after the orphanage. Nyima Choedon assisted him with the administration of the orphanage. The orphanage catered to the needs of orphan and street children who had no one to depend on and were given education in Tibetan language, Chinese language, English language and mathematics.

Bangri Rinpoche was arrested on 27 August 1999 charges of his alleged connection with Tashi Tsering, a Tibetan building contractor who was implicated in an attempt to explode a bomb in Potala Square during the National Minority Games in Lhasa in August 1999. The incident occurred three days after the end of the National Minority Games, which were promoted by the authorities as an expression of Chinese national unity in the build-up to the October 1 anniversary of the founding of the People's Republic of China. Although TCHRD was aware of the fact that Tashi Tsering had died mysteriously in Gutsa Detention Centre, it was confirmed to TCHRD that, unable to bear continued interrogation and severe torture, he had committed suicide by slitting his throat with a razor blade on 8 February 2000. On 26 September 2000, Bangri Rinpoche was sentenced

### *Profile of Current Known Political Prisoners*

to life imprisonment on charges of “*espionage*” and “*endangering state security*” by the Lhasa Municipality Intermediate People’s Court. Nyima Choedon, was sentenced to 10 years’ imprisonment on the same charges, with subsequent deprivation of political rights for 5 years. Bangri Rinpoche and Nyima Choedon were held at the Lhasa Public Security Bureau No 7 Detention Center and, on 29 May 2001, after sentencing, were transferred to Drapchi prison where they were held in solitary confinement for more than a year. They were later transferred to *Prison Unit No. 5*, a unit for political prisoners. Bangri Rinpoche was later transferred to the newly built Chushul Prison along with many other Tibetan political prisoners serving long terms. TCHRD listed Bangri Rinpoche as a prisoner of concern in a memorandum to Dr. Manfred Nowark, the UN Special Rapporteur on Torture, who visited Tibet and China from 20 November to 2 December 2005, when he met with both Bangri Rinpoche in Chushul Prison and Nyima Choedon in Drapchi Prison.

Nyima Choedon’s 10 year sentence was reduced twice and she was released from the “TAR” Prison (formerly known as Drapchi Prison) on 26 February 2006. New information obtained by the Dui Hua Foundation confirms that Bangri Rinpoche’s life sentence for ‘splittism’ was commuted to 19 years on 13 July 2003; and he received a further one-year reduction on 17 November 2005. His sentence is now due to expire on 30 July 2021.

Bangri Rinpoche’s arrest was followed by arrest of his sister, Dechen Choezom, who was a foster mother to orphans, on the night of 29 August 1999 by Lhasa Public Security Bureau (PSB) officials. She was taken for questioning and detained for 9 days before being released. The authorities’ closed Gyatso Orphanage on 17 October 1999 and the other staff of the orphanage were arrested and imprisoned. A nun in here forties and a staff member of Gyatso Orphanage who was arrested and imprisoned, has recounted how she was dragged from the orphanage by security police with children clinging to her legs and begging the police not to take her away. She was beaten and tortured in custody. At the time of the closure of the orphanage, it provided care for 59 destitute children between the age of 2 months and 12 years. Bangri Rinpoche is the only member of the staff of Gyatso Orphanage to remain in prison in one of the most serious political cases in Tibet in recent years.

## **Prisoners of Tibet**

### *2006 Special Report*

A TCHRD source confirms that at least 23 people were arrested in connection with Bangri Rinpoche case. 12 of them were sentenced to imprisonment or to Reform through Labour (RTL) of varying terms. Other members of staff who were imprisoned and who have now been released include Geleg Nima, a monk and thangka painter in his forties, who was the art teacher at Gyatso, who was sentenced to 3 years' RTL; Thupten Dargyal, who was from the same area of Kham as Bangri Rinpoche, was also sentenced to 3 years' RTL; Karma Yeshe, also born in Kham in the same area as Bangri Rinpoche, sentenced to 3 years' RTL; Gadhe Kyab, a Tibetan who had lived in exile prior to becoming an English teacher at Gyatso, who was reportedly detained for a year and a half; and Shelok, who was sentenced to 2 years' imprisonment.

There have been serious concerns for 40 year-old Bangri Rinpoche's health and welfare since his arrest. He has been hospitalized at least once during his sentence. An eyewitness report describes him as being shackled to a bed by the wrists and ankles in a solitary ward, even though he was too weak to move. Concerns over Bangri Rinpoche's health continue.

**Chemi Dorjee** (born 1967), **Lobsang Palden** (born 1970), **Lobsang Jinpa** (lay name: Pema Tsering, born 1971), **Jampa Tashi** (born 1968) and **Lobsang Tseggyal** (lay name: Lobsang Tendon, born in 1963 to a farming family in Sana Village, Pashoe County, Chamdo Prefecture, "TAR") are five monks from Serwa Monastery who were arrested on 29 March 1994. According to a Tibet TV broadcast on 26 July 1994, which was monitored by BBC, all 5 monks were convicted of "counter-revolutionary propaganda" by the Chamdo Prefecture Intermediate People's Court.

The official Chinese announcement said that the prisoners are all from "Rizhi Township", apparently a Chinese version of Ritri (Ri-khid), a remote township also called Do-ser in the northern part of the county of Pashoe (*Ch; Baxoi*). On 29 March 1994, the 5 accused, armed with their reactionary slogans and adhesive they had prepared earlier, arrived at the people's government building in the proximity of the Lingkha Township and Chemi Dorjee and Lobsang Tseggyal proceeded to put up a



Chemi Dorjee

*Profile of Current Known Political Prisoners*

poster bearing reactionary slogans on a door to the left of the offices of the Township People's Government. Reports received from refugees at the time testify that the fact that the Tibetans removed boards bearing the titles, "Party People's Government" and "Township People's Government" from government offices. According to an anonymous local leader, "They had turned over the address plate of the government building and they moved the address plate of the township party committee branch building to a roadside 90 metres from the township government building, smashed it with a rock and stuck the smashed piece upside down on the roadside to indicate that they were overthrowing the township people's government." The monks reportedly put up posters reading "May His Holiness the Dalai Lama Live for Ten Thousand Years" and "Tibet is an Independent Country". They wrote their names and put their thumb impressions at the bottom of the posters and wrote "We are from Serwa Monastery."



Lobsang Tsegial

The monks then walked towards Pashoe County headquarters in order to stage demonstration. On the way, the group rested for a while and met Lobsang, the Party Secretary of Lingkha Township, who was apparently on his way to inform the County authorities about the damage to the signboards and the political fly-posting in the township. He suspected the monks of Serwa Monastery to be responsible for the offence but when he saw the monks resting he pretended to know nothing and offered them a lift. The monks boarded the vehicle and were driven straight to the compound of County PSB. The Party Secretary handed over the monks to PSB officials and narrated their activities. PSB officials interrogated the monks and beat them severely. Lobsang Tsegial was hit with a pistol in the back which damaged his kidney and he collapsed on the ground. Later he discovered that he couldn't walk properly. He was to limp permanently. In order to make a public example of the monks, the 5 were kept in aerial suspension, tied only by their thumbs, at the gate of the County PSB. Officials demanded to know who among them led the fly-posting all of the monks claimed responsibility.

Chamdo Intermediate People's Court tried and sentenced the monks to lengthy terms of imprisonment. Lobsang Tsegial, Chemi Dorjee and Lobsang Jinpa were sentenced to 15 years' imprisonment, while Jampa

## **Prisoners of Tibet**

### *2006 Special Report*

Tashi and Lobsang Palden were sentenced to 12 years' imprisonment monks. Chemi Dorjee is serving his sentence in Chushul Prison and others who were earlier imprisoned at Powo Tramo Prison<sup>1</sup> were later transferred to Chushul Prison.

**Choedhen Rinzin**, in his early 20s, born in Thaya Township, Meldrogungkar County, was enrolled as a monk at Gaden Monastery, in the vicinity of Lhasa city, from 1991. His father is a local government official in Meldrogungkar County. A team of PSB officials from Taktse County, Lhasa City, secretly raided his room at Gaden Monastery on 12 February 2004 and Choedhen Rinzin was arrested for keeping a photograph of the Dalai Lama and a Tibetan national flag in his quarters. According to a source, Choedhen Rinzin was probably detained in the Gutsa detention center outside Lhasa but nobody knows his exact whereabouts, including his family members and the monks of Gaden Monastery. In addition, the source added that police detained two of Choedhen Rinzin's friends, identified only by their family names, Tsuchung and Thargyal, at the same time but later released them and allowed them to return to Gaden Monastery.

The source confirmed that 5 days after Choedhen Rinzin's arrest, 6 Chinese police officers called a meeting of some 500 monks at Gaden and told them that Choedhen Rinzin had been arrested for "possessing anti-government materials". "They also informed the congregation of monks that he was involved in criminal activities and warned that if any other members of the monastery possessed a photo of Dalai Lama, they would face the same consequences".

The arrest preceded a crackdown at a local television station, Tibet Television 3, after it inadvertently showed footage of a man in Kathmandu with a Tibetan national flag behind him. The head of the station, a Tibetan, was questioned and forced to acknowledge his "mistake". Staff at the station were forced to undergo re-education and to write self-criticisms acknowledging their error.<sup>2</sup>

In May 2005, 5 Tibetans from Gansu province were arrested - 3 nuns and 2 monks - for distributing leaflets on Tibetan independence and for calling for the cancellation of the 2008 Olympic Games. Gannan Intermediate

*Profile of Current Known Political Prisoners*

People's Court in Gansu Province sentenced **Choekyi Drolma**, Buddhist nun from Ganden Tenggeling nunnery, to 3 years' imprisonment in December 2005 for "inciting splittism";<sup>3</sup> whilst another nun, **Tamdrin Tsomo**, and a monk, **Dargye Gyatso**, 25, from Labrang Tashikyil Monastery, were sentenced to 3 years' imprisonment; and another nun, **Yonten Drolma**, and a monk, **Jamyang Samdrub**, each received sentences of one and a half years' imprisonment.<sup>4</sup>

**Choenga Tsering**, 21 years old, from Ser-ngok Village, Kardze County, Sichuan Province, Tibet Autonomous Prefecture ("TAP") was sentenced to 8 years' imprisonment owing to his pro-independence activities in 2002. Early in childhood, Tsering was admitted to the local monastery by his parents to study Buddhist scriptures and grammar under his maternal uncle. He studied hard for years for his scholarship and stood a good chance in excelling the Buddhist sacred text under the guidance of his uncle. However, Tsering's scholarship suffered when he undertook peaceful pro-independence activities leading to his arrest. On several occasions in 2002, he secretly fly-posted pamphlets calling for "Independence for Tibet" on the walls of the county and village markets, as well as on the signs of government administrative buildings, and urged the Tibetan people to boycott the Chinese leadership. Following investigation into the fly-posting, PSB officers arrested Choenga Tsering at his monastery. He was led straight to the PSB office where he was regularly beaten during interrogations. The officers demanded to know his objectives in fly-posting the pamphlets, the identity of those helping him and the leader of the group to which he belonged. Each time he confirmed that he was acting alone, he was kicked and hit as punishment for his bad attitude and non-cooperation with the PSB officers. The PSB accused Choenga Tsering of being anti-government and he was sentenced by Kardze Intermediate People's Court to 8 years' imprisonment for "endangering state security". He was imprisoned at Kardze Mok Prison. While in prison, Choenga Tsering's mother suffered a prolonged illness as a result of what had happened to her son and later died. Choenga Tsering is due to be released in 2009 upon completion of his 8-year sentence.

**Choeying Khedrub**, a monk arrested in 2000 for "inciting splittism", is reported by the Dui Hua Foundation to have been sentenced to life imprisonment in 2001. While not confirmed, Choeying Khedrub is most likely imprisoned at Chushul Prison.

## **Prisoners of Tibet**

### *2006 Special Report*

**Chung Tsering**, from Mentsa Village, Tashigang Township, Meldrogungkar County, Lhasa Municipality, “TAR” was a monk in Pangsa Monastery who was arrested at the end of April 2005<sup>5</sup> by PSB officials for allegedly fly-posting a pamphlet calling for “freedom in Tibet” on the gate of the government office of Tashigang Township. After the pamphlet was discovered, officials reported the incident to the County PSB investigations were commenced to identify the “culprit”. The monks residing in Pangsa Monastery became the primary suspects and PSB officers questioned each monk at the monastery. Searches were also carried out in the neighbouring Mentsa Village. At the time, Chung Tsering was at Kongpo Gedchik Village and became the primary suspect. A team of PSB officers was dispatched to the village to arrest him. He was, and continues to be, detained at Lhasa PSB Detention Centre or Gutsa.

**Dawa Gyaltsen**, believed to be 46 years old, born in Nagchu County, Nagchu Prefecture, “TAR”, is serving a 15 year sentence for producing and putting up posters calling for Tibet’s independence. Dawa studied banking and accountancy in Beijing and later returned to his village and worked in a bank. Dawa’s younger brother, **Nyima (lay name Tenzin Dorjee)** was a monk at Nagchu Shabten Monastery. In 1994 and 1995, Chinese officials visited Nagchu Shabten Monastery and required the monks to condemn “splittist” groups, make derogatory statements about the Dalai Lama and destroy religious artifacts. In response, Dawa and Nyima decided to lead a protest. It was agreed that Dawa would make pro-independence posters while Nyima gathered support. Dawa wrote a brief history of Tibet as an independent nation and wrote slogans including “Freedom in Tibet” and “Tibet belongs to Tibetans”. In April 1995, monks secretly put the posters up all over the county. Upon discovering the posters, the PSB commenced an investigation. Dawa Gyaltsen and one other man in the group immediately fled to Lhasa but were captured in November 1995. In May 1996, Dawa Gyaltsen and Nyima were accused of being the prime activists and were sentenced to 15 years’ and 10 years’ imprisonment respectively. Unconfirmed reports suggest that Dawa Gyaltsen’s sentence was reduced by one year and three months in 2002 and by 9 months in 2004.

**Dargye Gyatso** was born in Arig Village and was admitted to Labrang Tashikyil Monastery at an early age. He travelled to India in 1996 and

### *Profile of Current Known Political Prisoners*

studied Buddhist scriptures for 6 years in a Tibetan monastery in the south of India. In 2003, he returned to Tibet. He was arrested by Chinese PSB officers on 23 May 2005 on suspicion of fly-posting numerous pamphlets calling for “freedom in Tibet” on the walls of Labrang Tashikyil Monastery in Sangchu County, Gannan “TAP”, Gansu Province and its surrounding areas on 22 May 2005. Jamyang Samdup is originally from Malho County. It is known that Choekyi Drolma is imprisoned in the Gansu Provincial Women’s Prison and is due for release in May 2008.<sup>6</sup> The other nuns are likely imprisoned in the same prison. Information about the monks’ place of imprisonment is not available, but it is likely that they are held in a provincial-level prison near the capital, Lanzhou.

**Dawa Tsering**, 51, was born in Khag Township, Markham County, Chamdo Prefecture, “TAR” to a farming family. Dawa was arrested in 1996 and was formally was sentenced by Lhasa Intermediate People’s Court to 15 years imprisonment in Drapchi Prison on charges of “splittist activities on 4 September 1998.”<sup>7</sup> Early in his childhood he attended school where he did traditional Tibetan studies. After some years, he joined a co-operative and worked as a driver. He was apparently popular among local people, known to be an honest, sincere and patriotic man. In 1990, Dawa Tsering drove some pilgrims to Lhasa for pilgrimage. He saw Tibetans suffering much hardship under the Chinese there. He listened to foreign Tibetan language radio broadcast services and heard speeches of the Dalai Lama and the Tibetan community in exile. He realized the need to do something for the Tibetan people. After driving the pilgrims back to their home, he left his job and his family to join the freedom struggle.



He joined other compatriots in Lhasa and started to give political education to Tibetans. He talked to people about the freedom of Tibet and its history. At night, he fly-posted freedom posters on the walls of Chinese offices and along the route of the Lhasa circumambulation. After two years he returned to his hometown. Even there, Dawa talked to young people about the freedom of Tibet and imparted the messages of the Dalai Lama. Chinese intelligence officers interrogated his family and many other families in Khag Township about his activities. He then once again went to Lhasa and

## **Prisoners of Tibet**

### *2006 Special Report*

continued his activities there. In the evenings when Dawa listened to the Chinese Radio broadcast service and heard Tibetans referred as the “Dalai Clique” and “Reactionaries”, he smashed the radio set in anger.

In 1996, Dawa Tsering was arrested with a friend. They were severely beaten and tortured during interrogations. Once when his friend said, “I will take the whole of the charges on my head, you go outside and continue with the freedom struggle”, Dawa replied “You cannot take my charges, I have sacrificed my family and everything to offer my self for the freedom of Tibet. Since you are young and the Chinese are unaware of your activities, I will take your charges on my head.” He took responsibility for all of the charges levied against the group. When his trial began, Dawa accepted every charge and even spoke of secret anonymous letters sent to Jiang Zemin, the then President of China. When asked whether he was behind a bomb-blast of the gate of the government of the “TAR” headquarters, he replied “yes”. Finally he was sentenced to 15 years’ imprisonment and taken to Drapchi Prison.

In Drapchi, a Chinese official said to Dawa “Don’t be so absurd, just abuse the Dalai Lama and your sentence might be reduced”. In anger, Dawa spat on the officer’s face and said “Even if you kill me right now, I have only words of praise to offer to His Holiness the Dalai Lama and I will never abuse him.” An old friend came to him and said that he shouldn’t be so hot headed, and that he should approach the Chinese in a better way for the benefit of his family members. Dawa said “I have given myself for the freedom of Tibet, I don’t worry about my family.”

When Dawa’s elder son and daughter came to visit him in Lhasa, Chinese prison officials did not allow them to meet their father. At home, Dawa’s mother had gone blind and his wife, Rinchen Lhamo, developed stress-related heart disease. She sought medication in her hometown but eventually had to go to Lhasa in search of better medication. She also hoped to see her husband. In Lhasa, doctors diagnosed her disease as incurable and her request to visit her husband in prison was rejected.

A month and half after this, a friend of Dawa who held a visit pass was on his way to the prison to deliver food. Dawa’s daughter ran to him crying and asked him to take her along. He told the girl to return home as she won’t be allowed to go inside and moreover it was raining heavily. In anger,

she ran to Drapchi and cried loudly, asking to visit her father. She rolled on the rain-puddled ground and continued to cry. A Tibetan member of staff came out and enquired why she was crying. After hearing the girl's story, 4 officials escorted Dawa for a short meeting with his wife. The couple did not speak much. They mostly stared at each other. After a while, Dawa told his wife "Don't be sad. I have given up my life for the noble cause of Tibet's independence. Pray to the all-knowing Dalai Lama for merits in this and the next life. I have only one thing to say to my parents, children, wife and all other near and dear ones that I am committed to the noble cause of Tibet's freedom. The Red-Chinese tortured me throughout and ordered me to denounce His Holiness the Dalai Lama. But even at such a testing time when I die a hundred deaths, I still shouted, "Tibet is a free country" and "Long live His Holiness the Dalai Lama." I have not turned back on my loyalty. I hope that all of you will pray for me to stand this ultimate test of life." Dawa's wife passed away a few days after Dawa's visit.<sup>8</sup>

The court verdict stated that Dawa had participated in fly-posting leaflets calling for independence around the Lingkong route of Lhasa city in November 1995; fly-posted leaflets calling for Tibet's Independence in Lhasa in January 1996; and written a letter addressed to the Tibet Autonomous Region People's government about Tibet's independence in October 1996. Dawa, after serving 8 years of his prison sentence at Drapchi Prison, was recently transferred to the newly built Chushul Prison near Lhasa. After his transfer to Chushul Prison, Dawa suffered from jaundice and his physical condition is known to be very poor. If there is no increment in his 15-year prison sentence, Dawa will be released in the year 2012.

**Dolma Kyab** (pen name: Lobsang Kelsang Gyatso), born in 1976 to Mr Khetsun and Mrs. Dolma in Ari Village, Chilen (*Ch: Qilian*) County, Tsochang (*Ch: Haibei*) "TAP", Qinghai, attended the local primary school in 1984 and later joined the county middle school. After completing his schooling in 1995, he joined a teacher training centre and served as a teacher in a middle school in Chilen County. He later went to a university in Beijing to continue his studies. In 2003, he went to India to learn English and Hindi languages and returned to Tibet in May 2004. Upon return, he served as a history teacher in a middle school in Lhasa until his arrest.



## **Prisoners of Tibet**

### *2006 Special Report*

Dolma Kyab had a passion for writing and maintained a manuscript written in Chinese entitled “Restless Himalaya” (*Ch: Sao dong de Ximalayashan*), which was a compilation of 57 chapters on various topics about democracy, the sovereignty of Tibet, Tibet under communism, colonialism, religion and belief etc. Along side this manuscript, he also began writing another on the geographical aspects of Tibet which was comparatively short but touched on sensitive topics about the location and number of Chinese military camps in Chinese occupied Tibet etc. Dolma Kyab was arrested on 9 March 2005. He was initially detained at the “TAR” PSB Detention Centre, popularly known as Seitru in Tibetan. On 16 September 2005, Lhasa People’s Intermediate Court wrongly sentenced him for “endangering state security”. According to confirmed information received by TCHRD, Dolma Kyab, has been sentenced to 10 years’ imprisonment for writing and maintaining a manuscript about Tibet. Although his family appealed for a just retrial, the court upheld the sentence on 30 November 2005. Upon the declaration of sentence, he was transferred to the newly opened Chushul Prison in Nyethang; however, prison officials refused to accept him as a prisoner as he had contracted tuberculosis whilst in detention. After treatment, he was transferred to Chushul Prison in March 2006 soon after the Tibetan New Year.

Dolma Kyab’s physical and psychological condition is unknown. He continues to be imprisoned at Chushul Prison, which has not been known to foreign observers until recently and which reportedly houses many of Tibet’s monks and political prisoners under heavy surveillance.

Dolma Kyab’s arrest is a clear indication of China’s outright clampdown on freedom of opinion and expression in Tibet. In a letter smuggled from prison and addressed to the United Nations, he condemned the severity of his sentence, saying

*I have written a book which was not yet published. In this book I wrote about democracy, freedom and the situation in Tibet. That is the main reason for my conviction, but according to Chinese law this would be not enough reason to give me such a sentence.*

**Dorjee Tsephel** from Chabcha County in Tsolho “TAP”, Qinghai Province was arrested on 22 September 2003 for composing a song in honor of the Dalai Lama. Qinghai People’s Court sentenced him to 4 years’ imprisonment.<sup>9</sup>

**Gedhun Choekyi Nyima, the XIth Panchen Lama**<sup>10</sup>

recognized by the Dalai Lama was born to Konchok Phuntsok and Dechen Chodon on 25 April 1989 at Lhari County of Nagchu Prefecture, “TAR”. On 14 May 1995, the Dalai Lama announced the then 6 year old Gedhun Choekyi Nyima as the reincarnation of the X<sup>th</sup> Panchen Lama. 3 days after the announcement, Gedhun Choekyi Nyima and his family disappeared from their home. Their exact whereabouts and well-being still remain unknown. In November 1995, the government of the PRC appointed another boy, Gyaltsen Norbu, as the XI<sup>th</sup> Panchen Lama. He was enthroned in December of 1995.



After the death of the X<sup>th</sup> Panchen Lama in 1989 under mysterious circumstances, the PRC government appointed a search party to look for his reincarnation. Beijing laid down regulations, which stated that the search party could follow traditional methods to discover the child, as long as he was found inside “China’s territory” and the PRC Government was allowed final approval. **Chadrel Rinpoche**, the former abbot of Tashi Lhunpo Monastery, headed the Search Party Committee for the incarnation of the Panchen Lama. He was well aware that Tibetans would not accept a child as Panchen Lama who had not been recognized by the Dalai Lama. His aim, therefore, appears to have been to get both China and the Dalai Lama to agree on the same child as the reincarnation in order to avoid future disputes. His decision to cooperate with the Dalai Lama was originally endorsed by the Chinese authorities, which, in July 1993, allowed him to publicly hand over a letter to envoys of the Dalai Lama asking for his assistance in the search for the reincarnation. The Chinese authorities later changed their policy on religious contact with the Dalai Lama and in July 1994 ruled “we must reveal the true political face of the Dalai hidden behind the religious mask...”.

## **Prisoners of Tibet**

### *2006 Special Report*

On 14 May 1995, the Dalai Lama made the following announcement:

I have recognized Gedhun Choekyi Nyima, born on April 25, 1989, whose father is Konchok Phuntsok, and mother Dechen Chodon, of Lhari district in Nagchu, Tibet, as the true reincarnation of Panchen Rinpoche.

The Dalai Lama indicated that he had carried out all of the necessary religious procedures for the recognition. He confirmed that the Panchen Lama's reincarnation was a religious rather than political matter and said that he hoped that the Chinese government would cooperate with the Tashi Lhunpo Monastery in enabling Gedhun Choekyi Nyima to receive proper religious training and to take up his spiritual responsibilities. The PRC government reacted quickly and negatively to the Dalai Lama's announcement. By 17 May 1995, Chadrel Rinpoche had been detained for questioning and the Panchen Lama and his parents had disappeared. On 24 May 1995, an emergency three-day session of the Chinese People's Political Consultative Conference issued a statement describing the Dalai Lama's proclamation as "illegal and invalid."

China's response to the Dalai Lama's selection of the Panchen Lama has been to denounce the legitimacy of Gedhun Choekyi Nyima and proclaim another child to be the real reincarnation of the Xth Panchen Lama – an unprecedented and bizarre act of the officially atheist state. In November 1995 the PRC government rounded up a group of senior Tibetan lamas and sent them to Beijing to perform a ritual to select a "Chinese" Panchen Lama. On 29 November 1995, 7 months after the announcement by Dalai Lama, China announced Gyaltsen Norbu, the son of Tibetan Communist Party functionaries, as the XI<sup>th</sup> Panchen Lama. The Dalai Lama lamented the Chinese action as "unfortunate" and said that his own decision could not be changed, since he had already followed all the necessary procedures. Within hours, the official Chinese mouthpiece issued a denunciation of Gedhun Choekyi Nyima, saying that the boy had "once drowned a dog" and described his parents as "notorious for speculation, deceit and scrambling fame and profit." The statement declared that the family's attempt to "cheat the Buddha would not be allowed by all ordinary pious Tibetans."

In late November 1995, China's Foreign Ministry spokesman, Shen Guofang, said "we have no idea about the whereabouts of the so-called soul boy determined by the Dalai Lama." He denied that Gendhun Choekyi

*Profile of Current Known Political Prisoners*

Nyima and his family had spent the last few months in detention in Beijing and added that “he is not missing, nor is he incarcerated,” but that “he should be wherever he was born.” Despite its rejection of the Dalai Lama’s authority in recognizing the Panchen Lama, and its refusal to acknowledge Gedhun Choekyi Nyima as the true Panchen Lama, the PRC government finally publicly admitted, on 28 May 1996, to holding the XI<sup>th</sup> Panchen Lama, Gedhun Choekyi Nyima, and his family at a secret location. This announcement followed a request by the UN Committee on the Rights of the Child for disclosure of the Panchen Lama’s whereabouts. Wu Jianmin (Ambassador of China to the UN) claimed: “(Gedhun Choekyi Nyima) has been put under the protection of the government at the request of his parents.” Wu did not say where the child was being held. At that time, Xinhua reported that, “the boy was at the risk of being kidnapped by separatists and his security had been threatened.” It is difficult to comprehend why the Chinese authorities would go to such lengths to provide “security” for a child who they consider to be just an ordinary boy.

The Tibetan Government-In-Exile called the abduction of the Panchen Lama a “blatant attempt by China to interfere in the religious affairs of Tibet” and the spokesman said, “Not only Tibetans but the entire world would not allow China to interfere in the religious matters of the Tibetans.”

The interference by the Chinese authorities in the selection process of the XI<sup>th</sup> Panchen Lama is an example of the many forms of religious repression in Tibet. The search for the late Panchen Lama’s reincarnation, or any reincarnation for that matter, is purely a religious matter. In the case of the Panchen Lama, the religious procedures traditionally involve a final selection process by the Dalai Lamas. This has been the tradition since the V<sup>th</sup> Dalai Lama, Ngawang Lobsang Gyatso (1617-1682), appointed his teacher Lobsang Choekyi Gyaltsen, as the Panchen (Great Scholar) Lama of Tashi Lhunpo Monastery. With this appointment, Lobsang Choekyi Gyaltsen’s three previous incarnations were posthumously recognized as Panchen Lama. The VII<sup>th</sup> Dalai Lama recognized the VI<sup>th</sup> Panchen Lama, who in turn recognized the VIII<sup>th</sup> Dalai Lama. Similarly, the VIII<sup>th</sup> Dalai Lama recognized the VII<sup>th</sup> Panchen Lama. It is regrettable that in total defiance of His Holiness’ supreme authority in the spiritual affairs of Tibet, the atheist Chinese State insisted upon choosing its own Panchen Lama.

## **Prisoners of Tibet**

### *2006 Special Report*

To voice their disapproval of Chinese government's selection of its own Panchen Lama and the arrest of Chadrel Rinpoche, the monks of Tashi Lhunpo Monastery publicly supported the Dalai Lama's endorsement of Gedhun Choekyi Nyima as the XI<sup>th</sup> Panchen Lama. As a result, Chinese soldiers entered Tashi Lhunpo Monastery on 11 July 1995, and arrested and subsequently imprisoned 60 monks and lay people who were suspected of being involved in or supporting the selection of Gedhun Choekyi Nyima. Tashi Lhunpo Monastery was later closed to outside visitors and a Chinese "work team" and PSB officials were sent in to the monastery to conduct "patriotic re-education" sessions, during which monks were required to criticize the Dalai Lama. The situation at Tashi Lhunpo Monastery remained tense with monks resisting and threatening to stage a protest demonstration. Riot police were called and tourists were expelled from Shigatse town itself.

Despite innumerable requests made by the the UN, concerned governments, and NGOs, the PRC government has refused to provide any verifiable information about Gedhun Choekyi Nyima, nor have they allowed independent observers to visit the boy and his parents in order to confirm their health and well being. There have been many conflicting reports given on his whereabouts. For instance, in 1997, 2 Western delegations to Tibet were given conflicting information about Gedhun Choekyi Nyima's whereabouts. The Vice-Governor of the "TAR", Yang Chuantang, told an Austrian delegation that the boy was living in the village of Lhari, which is his birthplace, whilst an American delegation was told that he was in Beijing, as previous unconfirmed reports had indicated. Many high-level delegations and offices have expressed concern over the Panchen Lama's continued detention, including the former UN High Commissioner for Human Rights, Ms. Mary Robinson, during her visit to China in September 1998. However, the PRC continue to deny any outside access to the child and his parents.

In October 2000, during a round of human rights dialogue with China in London, British officials raised the issue of Gedhun Choekyi Nyima. In an effort to continue deceiving the international community that the Panchen Lama is healthy and happy and being kept incommunicado at his family's own request, the British delegation was told by Chinese authorities that the boy was well and attending school. It was said that his parents did not want international figures and the media intruding into his life. 2

*Profile of Current Known Political Prisoners*

photographs, which it was claimed were of the Panchen Lama, were shown to the British delegation showing a child of approximately of the right age; however, it was impossible to determine the boy's identity or location, and the British officials were not given the photos to take with them. The Chinese authorities also refused a request by British officials to allow an independent international figure acceptable both to Beijing and the Dalai Lama to visit Gedhun Choekyi Nyima.

In August 2001, a Polish Parliamentary delegation visiting Lhasa was told, in response to repeated questions, that Gedhun Choekyi Nyima and his family were being held in "protective custody" and were healthy. The delegation was promised photos of the boy within 6 weeks but never received them. Later, the Polish government received a letter from the Chinese Embassy in Warsaw stating that Gedhun Choekyi Nyima and his parents did not want their peaceful life to be disturbed by strangers, and that the Chinese government "respects freedom of choice for its citizens and hopes that the Polish people would understand that too".

In October 2001, an Australian delegation was told that the parents of Gedhun Choekyi Nyima were insisting that no foreign delegations be allowed to meet him. According to the Chinese authorities, Gedhun Choekyi Nyima's parents have said that "they want their privacy respected, that they particularly don't want people to have access to the child and they want him to live a normal life and they don't want to be bothered by people".

In March 2002, a government delegation from the "TAR" met with a European Parliament delegation and once again claimed that Gedhun Choekyi Nyima did not wish to be disturbed. The "TAR" delegation refused to answer questions about the photographs promised to the Polish delegation.

On a number of occasions in 2004, the PRC claimed that Gedhun Choekyi Nyima was still under their protection and attending school in a small village. Since 2004, the stalemate has continued as the international community has maintained its pressure upon the Chinese authorities to reveal the true Panchen Lama's whereabouts and allow access to him and the Chinese authorities have maintained their refusal to do so. In November 2005, the UN Committee on the Rights of the Child recommended that

## **Prisoners of Tibet**

### *2006 Special Report*

an independent expert be allowed to confirm Gedhun Choekyi Nyimsa's well being<sup>11</sup> after receiving information from the Chinese authorities confirming he was an ordinary Tibetan child who was living a normal, healthy life in China.<sup>12</sup> In April 2006, a senior Canadian official made an unsuccessful attempt to gain access to the Panchen Lama.<sup>13</sup> In a written statement to *Reuters*, the authorities claimed that the Gedhun Choekyi Nyima was "no reincarnation of the Panchen Lama" but "just an ordinary boy" who "lives a normal happy life and is receiving a good cultural education".<sup>14</sup> The issue was raised at the UN Working Group on Enforced or Involuntary Disappearances of the UN Commission on Human Rights in April 2006. The Working Group noted that its session "coincided with the 17th birthday of the Panchen Lama who disappeared when he was only 6 years old" and indicated that it "would appreciate being provided by the Government of China with documents supporting its statement that he and his parents had appealed to the Government for protection and were 'leading normal lives and enjoying perfect health'."<sup>15</sup> The issue was further raised at the UN Human Rights Council in September 2006, when a group of 9 NGOs expressed their deep concern about the disappearance of the Panchen Lama and his parents,<sup>16</sup> and by the European Parliament which expressed its concern over the situation in Tibet, and in relation to the Panchen Lama in particular, after the visit of the President to Beijing, Lhasa and Shanghai in July 2006.<sup>17</sup> The European Parliament also expressed its support for the recommendation of the UN Committee on the Rights of the Child.<sup>18</sup> An official Chinese religious delegation, consisting of 4 members and accompanied by 2 officials from the Chinese Embassy in Oslo, who were on an official tour in Europe to propagate religious and human rights' freedom in China and Tibet from 15-19 September 2006, were asked the whereabouts of true Panchen Lama. The Abbot Lobsang Champa of Kardze County, Vice chairman of Sichuan Province Buddhist Association, said that the "Panchen Lama now lives in Nagchu, which is His birth place and is doing his studies".<sup>19</sup> Almost 12 years on from his disappearance, however, no one has seen the true Panchen Lama.

Chadrel Rinpoche, the former abbot of the Tashi Lhunpo Monastery and Chinese appointed Head of the Search Party Committee to identify the XI<sup>th</sup> Panchen Lama, after being arrested on 17 May 1995, was sentenced, on 21 April 1997, by the Intermediate Court of Shigatse (Ch: *Xigaze*) Prefecture in the "TAR" to 6 years' imprisonment in Chuandong No. 3 Prison, Tazhu County, Sichuan Province, which held highly sensitive

### *Profile of Current Known Political Prisoners*

political dissidents, and 3 years' deprivation of political rights after being charged with "colluding with separatist forces abroad" during his search for the reincarnation of the Panchen Lama. He was also charged with revealing state secrets, a reference to a letter he apparently sent to the Dalai Lama in December 1994, listing the names of 25 boys who were being considered as possible reincarnations. On 21 August 1995, a Foreign Ministry had denied that Chadrel Rinpoche was in detention and said that he was ill and in hospital. The Chinese authorities did not divulge until 1997, 2 years after the arrest, that Chadrel Rinpoche had been sentenced and imprisoned. Unofficial reports in 1997 indicated that he was being held at Chuandong Number Three Prison in east Sichuan Province, 300 km east of Chengdu.

Champa Chung (*a.k.a. Chung la, Ch: Qamba Qung*), 58-year-old former Secretary of the Search Party Committee for the reincarnation of the Panchen Lama, and Deputy Director of the Administration of Dechen Kelsang Podrang (*Ch: Degen Gaisang Phozhang*), the Panchen Lama's residence in Shigatse, "TAR", and Samdrup, a businessman from Panam County in Shigatse, who worked in the trading corporation associated with the monastery were sentenced and imprisoned along with Chadrel Rinpoche. Champa Chung was sentenced to 4 years imprisonment in Seitru Detention Centre in Lhasa, "TAR" and 2 years' deprivation of political rights, whilst Samdrup was sentenced to 2 years' imprisonment and deprivation of political rights for one year. He was most likely detained in Seitru Detention Center.

All 3 defendants were convicted of "conspiring to split the country" under Article 92, the first clause of Article 186, and the 23<sup>rd</sup>, 24<sup>th</sup>, 51<sup>st</sup>, 64<sup>th</sup> Articles and second clause of the 59<sup>th</sup> Article of the PRC's Criminal Procedure Law. Article 92 deals with "plots to subvert the government and dismember the State". Punishment for this offence is 10 years' imprisonment, though the defendants received sentences below this minimum, according to a report issued by *Xinhua*, the official news agency, on 7 May 1997. *Xinhua* explained that the court passed sentences below the prescribed minimum in view of the "details of the case".

Although Chadrel Rinpoche 6 year prison term expired on 16 May 2001, he continues to be held under house arrest in Shigatse which is an extended form of detention. The continued arbitrary detention of Chadrel Rinpoche exemplifies Beijing's total disregard of its own domestic laws as well as international laws.

## Prisoners of Tibet

### 2006 Special Report

**Gendun**, 30, originally from Gongma Township, Chabcha County, Tsolho “TAP”, Qinghai Province and formerly a student at Serther Buddhist Institute studying Buddhist philosophy and Tibetan medicine, was a *Cham* dance teacher at Yulung Monastery in Tsigorthang County from the late 1990s. He was reportedly arrested on 29 April 2005 after he held a meeting to speak about Tibetan culture and history at a teacher training college in Tsolho “TAP”, Qinghai Province. Gedun spoke to a group of students about Tibetans’ lack of freedom of expression. Around 20 students and teachers were also detained in connection with his case. Although the others were reportedly released, Gendun was sentenced to 4 years’ imprisonment and 3 years’ deprivation of political rights by Xiling Intermediate People’s Court on 6 December 2005. Although his current location is unknown, reports indicate that he was held in various detention centres during 2005 and is presently in a RTL camp in the west of Xining, Qinghai Province “TAP”. **Jamphel Gyatso** was arrested along with Gendun on 29 April 2005. Jamphel Gyatso was charged with “incitement to split the state”. Xiling Intermediate People’s Court sentenced Jamphel Gyatso to 3 years’ imprisonment.



**Gonpo**, 18-year-old, a former monk of Tawu Monastery in Tawu County, Kandze “TAP”, Sichuan Province, fly-posted independence posters on a Chinese police station, a bank and on electric poles in 1994. 5 years later, Gonpo was arrested by 4 police officers while he was at Tawu market. He was taken to Tawu Police Station and detained for 10 months, after which he was sentenced to 12 years’ imprisonment for being involved in “political activities”. He is presently serving his sentence in a RTL camp at Sheduk Kyang, which is a day’s drive from Tawu County. He is reportedly kept in isolation from the other prisoners.

The Chinese authorities in Tawu County announced that all monks and nuns are required to supply photographs of themselves and allow inspections of their rooms, or else face closure of their institutions. Of the two nunneries in Tawu County, Tsalpo Nunnery was closed down in mid-2000 owing to its refusal to comply with this order. The doors of the nunnery were officially closed with red ribbon bearing the seal of the local authorities. All 300

*Profile of Current Known Political Prisoners*

nuns at the nunnery returned to their families. It is understood that Raptrol Nunnery, with approximately 300 nuns, also faces possible closure owing to the defiance of the Chinese order by its nuns and there are reports of officials paying frequent visits to the nunnery to collect photographs of the nuns who decline to provide them.

**Gyaltzen Namdak**, (lay name: Dawa) a 24-year-old monk at the Sera Monastery in Lhasa was sentenced to 5 years' imprisonment in October 2006 by the Lhasa People's Intermediate Court on charges of "endangering state security".<sup>20</sup> Gyaltzen Namdak was arrested in May 2006 for distributing pamphlets containing political material. Following his arrest, he was detained at Gutsa Detention Centre until the court pronounced its verdict. He is currently imprisoned at Chushul (*Ch: Qushui*) Prison.

**Jampa Namgyal**, 40, born in Serphu Township, Kardze County, Kardze "TAP", Sichuan, attended elementary and middle school in the county but was expelled from school after becoming involved in an altercation with other students. After leaving school, he worked in the family field for several years. When Jampa reached the age of 18 years of age, he was admitted to Kardze Monastery. After years of rigorous studies, he was appointed as a Tibetan grammar teacher in the monastery. While in the monastery, he was politically active; however, his uncle warned him not to engage in political activities which might lead to his arrest. Jampa, dismissed his uncle's advice as both his father and uncle were Communist Party members. He said that they were on a different path to him and asked them not to interfere in his affairs. He later left the monastery to go to India. He proceeded to Lhasa but Jampa fell ill after a short stay there and had to return to his native hometown. Upon recovering from his illness, Jampa rode his motorcycle to the market, attaching a Tibetan national flag to the back of his motorcycle. He also scattered political leaflets calling for freedom in Tibet and fly-posted them all over the market.

In order to escape arrest, Jampa Namgyal went to a less populated nomadic area where he found a job as a labourer on a road-making project. After a few days at work, Kardze County PSB officials arrested him. He was led to Dartsedo County PSB Detention Centre where he was repeatedly interrogated and tortured. In 2002, Kardze Intermediate People's Court

## **Prisoners of Tibet**

### *2006 Special Report*

sentenced him to 9 years' imprisonment on charges of "endangering state security" through anti-government propaganda. He was then transferred to Maowan Prison, Maowan Qiang Autonomous County in Ngaba "TAP", Sichuan, to serve the term. Jampa Namgyal is imprisoned in Unit 7 of Maowan Prison which is popularly known as Aba Prison. His health is said to be bad due to the unsanitary conditions and malnutrition in the prison. He is expected to be released in 2010 upon the completion of his term.

On 23 August 2006, **Abbott Jinpa** of Choktsang Taklung Monastery in Sertha County, Kardze, Sichuan Province "TAP" was detained. There is no further information regarding a charge or his detention.

**Jigme Dhasang**, 22, originally from Tsolho "TAP", Qinghai Province, studied at Kubhum Ngarig Ketseling for a few years and was selected as the best student in the monastery on several occasions. Pamphlets declaring "2008 Olympics not in China" and criticizing Chinese policies in Tibet were found fly-posted in the monastery assembly hall and at the entrance gate. Jigme Dhasang was suspected to be behind the fly-posting and Kubhum (*Ch:Huangzhong*) County PSB officials accordingly arrested him at the monastery in mid May 2005. He is detained in Kubhum County PSB Detention Centre.

**Jigme Gyatso**, 42, is serving a term of imprisonment for 18 years for his involvement in political activities. Born in Vartha Village, Kansu "TAP", Kansu Province, he is an only child and his father was killed in 1958 by the People's Liberation Army. His mother died in 1997. Jigme Gyatso is currently held in the newly built Chushul Prison, near Lhasa.



In the mid-1980s, Jigme 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 fly-posted posters on the walls around Gaden Monastery and nearby Lhasa City. Between 1988 and 1989, Jigme Gyatso was the leader of a secret youth organization named the "Association of

*Profile of Current Known Political Prisoners*

Tibetan Freedom Movement” (hereinafter “the Association”). He was able to distribute leaflets calling for freedom in Tibet to visitors at the monastery as he worked in the administrative section. In 1992, Jigme Gyatso organized one of the major demonstrations that took place in Lhasa. Many demonstrators were arrested and detained by the PSB and officials of the anti-riot department (Tib: *Ngandon Nyentok Rukhak*). Jigme Gyatso was not arrested at that time, although PSB officials suspected that he was involved and kept him under strict surveillance. His movements were scrutinized. Unable to bear such inspection, Jigme Gyatso felt compelled to leave the monastery.

A fellow member of the Association, Samdup Tsering, was arrested on 2 July 1993 for his involvement in political activities. At that time, an arrest warrant was issued for Jigme Gyatso and another member of the Association, Jamyang Tsultrim, who were described as “wanted splittists”. The authorities searched both men’s residences. Samdup Tsering was later charged with inciting counterrevolutionary propaganda. He was sentenced to 5 years’ imprisonment. The authorities continued to search for Jigme Gyatso until 1996. His friends were summoned and questioned in relation to his whereabouts and were reportedly tortured during this process.

At about 6.30pm on 30 March 1996 Jigme Gyatso was in Tsongla Yangzom restaurant, located in front of the Jokhang temple in Lhasa, when he was surrounded by PAP and PSB officials. Jamyang Tsultrim, a friend of Jigme Gyatso, owned the restaurant where members of the Association met. The authorities closed down the restaurant after discovering that the Association used it as a meeting venue.

After his arrest, Jigme Gyatso was immediately taken to the anti-riot department which is situated on the same road as Drapchi prison. He was detained there for one day and one night. Throughout that time he was ill-treated and tortured whilst being interrogated. The following day, he was taken to Gutsa Detention Centre and detained there for one year, until March 1997. For his first 6 months in the detention centre, Jigme was put into an “interrogation cell” where he was interrogated and tortured for passing a written message to his friend Gonpo Tseten. He spent his remaining 6 months there with his hands and legs manacled. Details of his case were broadcasted over “Voice of America” which resulted in him being subjected to further torture and ill treatment.

## **Prisoners of Tibet**

### *2006 Special Report*

Jigme Gyatso was formally tried in May 1997. He refused any legal representation as he felt it was futile. During the trial, Jigme Gyatso accepted all of the charges stated against him. The trial court asked him if he regretted his deeds, he replied “No, my acts are peaceful and non-violent.” He also pleaded that all of the charges and penalties imposed upon his friends should be transferred to him. He argued that his friends were ignorant and that they were not responsible for anything.

Jigme Gyatso was sentenced to 15 years’ imprisonment on charges of disseminating counterrevolutionary propaganda, incitement, and having illegally formed the “Association of Tibetan Freedom Movement”. His friends, Dargay (28) from Meldro Gyama and Yeshi (30) from Tsang, both arrested on 25 December 1996; and Lobsang Wosel (30) and Tseten, both from Meldro who were on 18 December 1996, were each sentenced to 5 years’ imprisonment.

Three months after sentencing, Jigme Gyatso and 3 of his friends were transferred to Drapchi prison. In October 1998, a group of Security officials from Kansu went to Jigme Gyatso’s cell. They banged him against a wall and then hit him with a beer bottle as punishment for his involvement in political activities in his hometown in Kansu. He was left unconscious from the beatings. He was later taken to an unknown place for 9 days during which he continued to be severely beaten and tortured. He was later returned to Drapchi prison where his visitation rights were entirely denied. According to a source who visited Drapchi, Jigme Gyatso’s head was covered with a bandage and he was jaundiced. After the protests in Drapchi prison in May 1998, Jigme Gyatso was again placed in solitary confinement. His current health condition is a serious concern to his friends. In September 1998, one of the members of the Association, Lobsang Wosel, was released from prison on medical parole. The others continue to remain in detention.

The first foreign delegation to be given access to the newly established Chushul Prison was that of the UN Special Rapporteur on Torture, Dr. Manfred Nowak, who visited the prison on 27 November 2005. He met a number of Tibetan political prisoners, including Bangri Rinpoche and Jigme Gyatso. Describing his conversation with Jigme Gyatso, Mr. Nowak’s report stated:

He told the Special Rapporteur that the ill treatment was worst in Gutsa, where he stayed for one year and one month. Since

*Profile of Current Known Political Prisoners*

the persons he was charged together with had already confessed, he also decided to confess. He then was transferred to Drapchi Prison in April 1997. In one incident in March 2004, he yelled out, “Long live the Dalai Lama,” for which he was kicked and beaten, including with electric batons. The electric batons were used on his back and chest with painful effect, and ceased once the Chief of Police came and stopped it. After this incident his sentence was extended for an additional two years [he was accused of “inciting splittism”]<sup>21</sup>. He recalled that the general conditions in Drapchi were better than in Quishi [Chushul] Prison: better food, the cells were better lit and ventilated, and the temperatures inside were not as extreme in summers and winters. He can spend 3.5 hours per day outside of his cell. Since he has been convicted of a political crime, possibly on the basis of information extracted by torture, the Special Rapporteur appeals to the Government that he be released.<sup>22</sup>

Sources inside Tibet have confirmed that Jigme Gyatso has been kept in isolation as a result of speaking to the UN Special Rapporteur. Jigme Gyatso’s new release date of 30 March 2014.

Jigme (33) from Garsam Township, **Jinpa** (30) from Toema Township, Khedrup (45) from Tsaru Township, and **Kelsang** (40) from Tsenyi Township were all arrested in March 2001 in connection with their pro-independence activities.<sup>23</sup> In August 2000, these 4 monks from Tsenyi Monastery, Ngaba County, Sichuan Province, covertly fly-posted independence leaflets and posters in a city in Ngaba County. In December 2001, they repeated these fly-posting activities in Marthang County. Officials raided Tsenyi Monastery and discovered some leaflets and wooden block prints. PSB officials from Ngaba (*Ch: Aba*) County, Marthang (*Ch: Hongyuan*) County and Tsenyi Township arrested the 4 monks at Tsenyi Monastery. The present whereabouts of the 4 monks remain unknown.

In June 2006, five Tibetans all natives of Kardze, Sichuan Province and identified as **Kayi Doega**, his eldest daughter **Yiga**, a former nun and **Sonam Lhamo**, from the Geci Nunnery; **Sonam Choetso** and **Jampa Yangtso** were reportedly detained by the Chinese authorities for handing out leaflets calling for Tibetan independence. Yiga, Sonam Choetso, and Jampa Yangtso

## **Prisoners of Tibet**

### *2006 Special Report*

were detained by the Chinese authorities in Lhasa City in early June 2006 for allegedly handing out leaflets from a van in Kardze Prefecture calling for Tibetan independence.<sup>24</sup> The authorities also detained Kayi Doega on 1 June and Sonam Lhamo on 2 June, on suspicion that they were behind the leafleting activity. Kayi Doega was earlier jailed on 2002 for offering prayers for Tibetan exiled leader, the Dalai Lama. He was freed before the expiry of his prison term on medical parole while serving a 3-year sentence.

**Kelsang Dhondup** and **Ngawang Dhondup**, both around 37 years old, from Tsigorthang County, Tsolho “TAP”, Qinghai Province are monks from Drakar Trezong Monastery located 20 kilometres to the south west of Tsigorthang County. The monastery housed around 500 monks in 1959. It was renovated in 1981 and currently holds 400 monks. In July 2002, Kelsang and Ngawang, along with 4 other monks, were detained at the local PSB Detention Centre on charges of being members of a secret organization called “Holders of Truth of the Three Provinces” (*Tib translit: chol gsum bden ‘dzin tsogspa*) and for allegedly carrying out political activities. The 4 unnamed monks referred to above, who held positions of chant master, discipline master and member of the Democratic Management Committee (DMC) of the monastery, were released after several weeks of detention. Kelsang Dhondup and Ngawang Dhondup continued to be detained and were later transferred to a PSB county detention center in Xining Municipality. In January 2003, under charges of “endangering state security”, the court sentenced them to 3 years’ rigorous imprisonment. They were then transferred to a brick factory labour camp to serve their term.

Not much is known about the labour camp and the conditions under which the inmates serve their term as it is at a location distant from the family members of the monks who could not visit them. The health conditions of both Kelsang and Ngawang are of great concern. They were expected to be released in July 2005 upon completion of their term but there is no confirmation or information in relation to their release.

*Profile of Current Known Political Prisoners*



**Tashi Gyaltsen**, born in 1964 in Yagel Hrongbu Village, Tsigorthang County, studied Tibetan grammar, history and poetry during his early ages and, in 1986, joined the Drakar Trezong Monastery where he was ordained as a monk by his teacher, Kelsang Tsultrim Woeser Rinpoche. Drakar Trezong Monastery is located

20 kilometres to the South West of Tsegorthang County and houses around 400 monks. Over the years, Tashi mastered all of the Buddhist texts and successfully completed the five annals of Tibetan Buddhism. In 1993, he was proclaimed a candidate for the reincarnation of Kyabje Arol Dorjee Chang. **Thoe Samten**, 32, **Jamphel Gyatso**, 26, **Lobsang Dhargay**<sup>37</sup>, **Tsultrim Phelgye**, 38, were all monks at Dakar Tretsang Monastery in Tsegorthang County, Tsoho "TAP", Qinghai. All were sentenced to varying imprisonment terms for publishing a journal that allegedly contained political views. On 14 January 2005, PSB officials from Tsigorthang County and Tsoho "TAP", Qinghai Province arrived at Drakar Tretsang Monastery to arrest the monks who were on the editorial team of the monastery's journal, "Great Rays of the Sun and Moon" (*Tib translit: nyi da'i gzi byin*), which the authorities alleged contained politically "splittist" views. Upon arrest, the monks were taken to Tsigorthang PSB Detention Centre. Tashi Gyaltsen was interrogated about the journal and the reasons for publishing it. During interrogations, he was booted and slapped by the officials. After 16 days of detention, Qinghai Province PSB sentenced Tashi Gyaltsen to 3 years' RTL. He is currently detained in a RTL facility in Hongdung County near Xining Municipality. Jamphel Gyatso was sentenced to a term of 3 years; whilst Thoe Sanden, Tsultrim Phelgye and Lobsang Dhargaye were sentenced to terms of two and a half years. It is most probable that they were all sentenced to RTL. They too are currently imprisoned at a RTL facility in Hongdung County near Xining Municipality.



**Thoe Samten**



**Jamphel Gyatso**



**Lobsang Dhargay**



**Tsultrim Phelgye**

## Prisoners of Tibet

### 2006 Special Report

The Chinese authorities deem those at Drakar Trezong Monastery to be politically active and, apart from arresting Tashi Gyaltzen and the 4 other monks mentioned above, arrested 6 other monks from the monastery for forming a clandestine organisation in July 2002.

Ten monks from Khangmar Monastery held a long life prayer ceremony for the Dalai Lama and for the successful completion of the Kalachakra teachings in Bodh Gaya, India in January 2003.<sup>25</sup> The monks conducted the said prayer ceremony the Dalai Lama had become ill the previous year and had had to cancel some teachings. Khangmar Monastery in Sangkar Township, Marthang County, Ngaba “TAP” is a small monastery of 120 monks. The monastery had been relatively free of Chinese authorities’ interference except for



few routine visits; however, when County PSB officials came to know of the prayer ceremony, 5 monks, **Shethar**, 35, **Soepa**, 33, **Gedhun Tsogphel**, 31, **Jamyang Woesser**, 30 and another monk named Tsogphel, 28, who was released after 2 months, as well as a thangka painter, were arrested the monks’ quarters were ransacked. A large collection of Dalai Lama and Panchen Lama portraits were discovered in the monks’ rooms. The monks were then taken to Ngaba “TAP” PSB Detention Centre. Ngaba “TAP” Intermediate People’s Court formally sentenced Shethar, Soepa and Gedhun Tsogphel to 12 years’ imprisonment and Jamyang Woesser to 8 years’ imprisonment on 29 August 2003; whilst another monk called Mingyur, 29, and the thangka painter were sentenced to terms of imprisonment of one-year.

All of the sentenced monks are from nomadic families and had joined the monastery at different ages. Shethar is the chant master of the monastery. It is understood that Gedhun Tsogphel is handicapped in his right arm. The thangka painter is originally from Barkham County but constantly travels to paint thangkas in different monasteries and houses. The monks who received lengthy terms may have been transferred to Maowan Prison (*Ch: Aba Jlan yu*), located in Maowan Qiang Autonomous County in Ngaba “TAP”. This prison accommodates prisoners who are sentenced to lengthy terms from the regions of Ngaba and Kardze.

*Profile of Current Known Political Prisoners*

**Kunchok Choemphel**, 30, was detained by Chinese security officials on 11 April 2003 in Gansu Province, apparently for political reasons. Officials searched his residences and seized some documents. Kunchok Choemphel remains in custody. Kunchok Choemphel, a native of Machu County (*Ch: Maqu*) in Kanlho “TAP”, had been a monk at Labrang Tashikhyil Monastery. In 1990 he led mass protests against a Chinese journalist who he accused of misrepresenting the meaning of a Buddhist mantra and he was detained for 3 months in 1995 on suspicion of fly-posting.

**Kunchok Dhargay**, born in 1971 in Rabgya Chuwa Village, Machen County, Golok “TAP”, Qinghai Province, who became a monk at Rabgya Monastery, Machen County, Golok (*Ch: Guoluo*) “TAP”, Qinghai Province, at an early age and visited India on a pilgrimage in 1993, returning to Tibet in the same year; **Mathok Damchoe**, 30, born in Machen County, who became a monk at Rabgya Monastery at an early age and visited India on a pilgrimage in 1997; **Tsultrim Dhargay**, 30, born in Machen County, who joined Rabgya Monastery at an early age, joined Sera Monastery in Lhasa in 1990, and visited India on a pilgrimage; and **Sonam Gyatso**, 38, born in Machen County, who became a monk at Rabgya Monastery at an early age and visited India on a pilgrimage in 1993, returning to Tibet thereafter, were arrested by Chinese authorities in mid 2001.<sup>26</sup> “Four Exile Returnees Arrested and Sentenced” TCHRD Human right Updates dated June 2004

All 4 former monks of Rabgya Monastery were charged with having contact with the secret “Freedom in Tibet Organization” (*Tib translit: ‘od rangdwang sder tsok*) and the late Lobsang Dhargay, and with distributing pictures of the Panchen Lama. (Lobsang Dhargay, a political prisoner who died in Chinese custody on 19 November 2002, secretly assisted Alak Shingsa Rinpoche escape into exile in India. In mid 2001, he returned to Tibet and was arrested by Chinese authorities. He was imprisoned in a “Labour Camp” in Xiling Village, Machen County (*Ch: Maqin xian*), Golok “TAP”, Qinghai Province where he died as a result of torture.) Kunchok Dhargay, Mathok Damchoe, Sonam Gyatso and Tsultrim Dhargay were arrested shortly after Lobsang Dhargay’s arrest in mid 2001.

Kunchok Dhargay was sentenced to 6 years’ imprisonment and is currently serving his term in a brick factory RTL Camp in Xiling; Mathok Damchoe

## **Prisoners of Tibet**

### *2006 Special Report*

was sentenced 5 years' imprisonment; Tsultrim Dhargay was sentenced to 6 years' imprisonment and he was released on medical parole in July 2005. Sonam Gyatso was released after completion of his 5 years' prison term.

**Kunchok Tenpa**, 24, and **Tsundue Gyamtso**, 23, two monks from Taktsang Lhamo Kirti Monastery, Dzoge County, Ngaba, Sichuan Province "TAP" were each sentenced in 2004 to 3 years' imprisonment for allegedly fly-posting pro-independence posters. The two studied Buddhist Dialectics at Kirti Monastery. Between 2002 and 2003 protest posters were fly-posted in the vicinity of the monastery. The first poster advocated pro-independence; the second was critical of the corrupt practices prevalent among senior Chinese officials; and the third and final posters called for Tibetans to boycott shops and restaurants owned by Hui Chinese Muslims. According to witnesses, early one morning in January 2003, 20 PSB officers from Dzoge County raided Kirti Monastery to search for incriminating political materials. They found drafts related to new poster designs in Kunchok Tenpa's room. He was immediately arrested at gunpoint and taken to Dzoge Police Station, a 2 hour journey from the monastery. Tsundue Gyamtso secretly escaped to Lhasa following Tenpa's arrest. He planned to flee to India but was unable to secure the resources. After a month, he went underground in Meru-Nyin-Sip Village, Junan County, Kansu Province for several months and later escaped to Dokday, a nomadic area, near Dzogey County. In mid-2004, nearly a year after his escape from Kirti monastery he was arrested by Dzogey PSB.

Latest reports indicate that the monks are incarcerated in a prison located in Mong, Sichuan Province "TAP". There is grave concern for their well-being and health. The Chinese authorities continue to deny visiting rights to their families. In recent years, Kirti Monastery has been under heavy surveillance and control by the Chinese authorities. In 2002, it faced closure following a local appeal to allow the exiled Kirti Rinpoche, based in Dharamsala, India to visit his hometown in Tibet. The appeal was rejected and Kirti Rinpoche was labelled as a "reactionary". On 29 July 2003, the Chinese authorities closed down Kirti Monastic School, a branch of Taktsang Lhamo Kirti Monastery, and its benefactor Soepa Nagur, disappeared on 31 July 2003.

*Profile of Current Known Political Prisoners*

**Sonam Dhondup** (ordained name: Lekshey Phuntsok) 31 year-old monk, originally from Khati Township, Phenpo Lhundrup County, Lhasa City, studied in a local primary school for a few years and then to be a medical practitioner in his county for 5 years. Upon completion of his training course, Sonam Dhondup was assigned to work as a medical practitioner in Jangkha Township where he worked for almost a year. As he had a strong inclination to become a monk, he joined Nalanda Monastery, located in Phenpo County, in January 1992. Besides his spiritual studies, Sonam Dhondup worked as caretaker of the monastery for a year.

Around May 1992, Sonam Dhondup, along with Tashi Loyak (lay name), Lhakpa Wangyal (lay name), and Tsewang Sonam (lay name) secretly wrote and fly-posted independence leaflets in strategic areas around the county. In January 1993, Sonam Dhondup and his companions made wooden block prints with the inscriptions “Free Tibet” and “Tibet belongs to Tibetans” on them. They printed many leaflets from the inscribed blocks and secretly distributed them.

On 22 February 1995, Phenpo County PSB officials arrested and detained a monk named Nyima Kelsang from Nalanda Monastery who was found hiding a Tibetan national flag in the folds of his robes. When Sonam Dhondup, along with two other monks, visited Nyima Kelsang the next day, Sonam Dhondup was arrested on suspicion of involvement in political activities. Later, when officers searched his room for political evidence, one of his roommates and disciples named Norbu was severely beaten for refusing to hand over the room keys. In the ensuing commotion, monks pelted the officers with stones, who in turn opened fire on the protesting monks.

A week later, PAP and PSB officers returned to the monastery with Chinese “work team” members in 3 separate military trucks and went about arresting monks. 33 monks from the monastery were arrested and 65 monks were expelled. Sonam Dhondup was detained for six days at Phenpo Lhundrup PSB Detention Centre. His 3 companions were arrested one after the other.

In July 1995, Lhasa Intermediate People’s Court formally sentenced Sonam Dhondup to 12 years’ imprisonment and 5 years’ deprivation of political rights. Tashi Loyak was sentenced to 5 years’ imprisonment and 2 years’ deprivation of political rights. Tsewang Sonam was sentenced to 4 years’ imprisonment and 2 years’ deprivation of political rights. Lhakpa Wangyal

## **Prisoners of Tibet**

### *2006 Special Report*

was sentenced to 3 years' imprisonment. All except for Dhondup have been released. Sonam Dhondup was imprisoned in Drapchi Prison. He was one of the main participants in the Drapchi Prison Protests of 1 and 4 May 1998 and was beaten, along with the other prisoners. During the indiscriminate police firing at the time of the protests, Ngawang Sungrab, a political prisoner, was shot in the abdomen and Sonam Dhondup gave him first aid. Sonam Dhondup is currently transferred to Chushul prison from Drapchi and incarcerated there.

The remaining 29 monks were sentenced to differing terms of imprisonment and transferred to prisons like Drapchi Prison, Lhasa Prison and Trisam "RTL" Prison.

**Lhundrup Dorjee, Sonam Dorjee, Sonam Rinchen** (Thupten Yeshe's brother-in-law – see below), and **Kunchok Lodroe**, farmers from Dasher, a village in the Medrogungkar County, disrupted a political "re-education" meeting in the village of Meldro Gyama Trikhang, Meldrogungkar, on 30 June 1992. The 4 farmers rushed to the stage, seized the microphone, wrestled with officials, shouted pro-independence and anti-Chinese statements, and unfurled a Tibetan flag. Soon thereafter, the PAP rushed to the scene to arrest the demonstrators. After the 4 demonstrators had been dragged away and beaten by the PAP, approximately 100 villagers began to shout pro-independence slogans. The Intermediate People's Court of Lhasa sentenced the 4 farmers on 20 October 1992. Kunchok Lodroe, Sonam Dorjee, and Sonam Rinchen, all 23 years old at that time, were sentenced to 13 years' imprisonment and 4 years' deprivation of political rights. Lhundrup Dorjee, 23 years old, who was severely injured during the protest, received a 15-year prison sentence and 5 years' deprivation of political rights. Kunchok Lodroe was released on medical parole in 1996. Sonam Rinchen died in January 2000 while still in prison, after being ill for more than 3 years without receiving medical treatment. Lhundrup Dorjee and Sonam Dorjee are currently in Chushul Prison.

*Profile of Current Known Political Prisoners*

**Thupten Yeshi**, born in 1949, a farmer from Dashang Township, Gyama County, Meldrogungkar, “TAR”, was formally arrested on 14 July 1992. Though Yeshi did not take part in the protest on 30 June 1992 (see above), he was suspected of being the “ringleader” of the protest. On 24 April 1992, he had fly-posted pro-independence posters on a neighbourhood tree. The



slogans written on the posters attacked the socialist system, opposed socialist ideological education and encouraged peasants to rebel. Yeshi and a friend had also apparently discussed plans to fly a Tibetan flag from local government offices, an offence which constitutes “spreading propaganda regarding incitement to revolution”. On 6 July 1992, Thupten Yeshi was arrested in broad daylight and was detained in Meldrogungkar Detention Centre for about 13 days. During this time his wife, Tsering Yangchen, was allowed to see him once but they were not allowed to talk. Yangchen was shocked to see her husband with bruises and swellings all over his face. It is believed that he was severely beaten and tortured during his detention. He was then secretly transferred to Gutsa Detention Centre, east of Lhasa, where he was detained for almost 3 months. The authorities came to know about a painted Tibetan national flag on the front gate of Yeshi’s house and senior officials from Lhasa and Gyama Township PSB officers interrogated Yeshi’s family at regular intervals. Sometimes, the authorities inspected the family home and interrogated the family at night and they threatened to confiscate the family home. They were unable to do so, however, due to the level of public support for the family.

On 20 October 1992, Lhasa Intermediate People’s Court sentenced Thupten Yeshi to 15 years’ imprisonment and 5 years’ deprivation of political rights. Thupten Yeshi was imprisoned at Drapchi and later transferred to Chushul Prison. A former Drapchi inmate recalled:

I saw Thupten Yeshi when he first came to Drapchi Prison. The new prisoners were ordered to read out prison laws from the books that were given to them but Yeshi refused to do so. Instead, he chanted the mantra ‘om mani padme hun’. This infuriated the prison official who beat Yeshi with an electric baton. Yeshi snatched the baton from the official and threw it away. For this crime, Yeshi was kept in a solitary confinement cell for almost 5 days during which time he was tortured and beaten severely. The prison

## **Prisoners of Tibet**

### *2006 Special Report*

inmates advised him to apologise to the prison officials as that might bring about a reduction in his punishment. He relented after much persuasion. He is very hard, robust and never easily gives up his stand even after lot of punishment. He is patriotic to the core.

**Lobsang Khedrup**, 23, a monk, was born into a small peasant family in Dhada Township, Kardze County, Kardze “TAP”. He began his informal education with a private tutor in his village at the age of 6 years old.

**Gyalpo**, 26, is from an area called Shungteng in Kardze.<sup>27</sup> During the fall of 1992, Lobsang fled into exile in India and joined Sera Monastery in the south of India. He returned to Tibet after studying at the monastery for 7 years.



Lobsang Khedrup and Gyalpo were arrested at home by local PSB Officers, for allegedly hoisting a Tibetan national flag on a radio transmission tower, in February 2004. There have been numerous incidents of Tibetan national flags being hoisted in this way in the region. During their raids, PSB officers discovered belongings that had been passed down to him by Lobsang’s ancestors, like a home-made gun, a fine quality sword, 5 ordinary swords and a portrait of His Holiness the 14th Dalai Lama. The PSB officials also ransacked his bookshelf and confiscated many books. Lobsang Khedrup and Gyalpo were placed in a police van and taken to an undisclosed location. Their whereabouts were unknown. Their family members were deeply anxious about their arrest and incommunicado detention and their parents approached local police station to enquire about their whereabouts but were not given any information.

Two weeks after Lobsang’s arrest, 2 security policemen went to his house and told his parents to report to Kardze Police Station. They were told to bring some clothes for Lobsang and money with them. Strangely, when Lobsang’s parents reached the police station, they were not allowed to meet Lobsang. Rather, the clothes and money were taken from them. Later, on 10 March 2005, Kardze Intermediate People’s Court sentenced both Lobsang Khedrup and Gyalpo to 11years’ imprisonment. The two monks were arbitrarily arrested, held incommunicado for a prolonged period of time, and convicted in an unfair trial, unable to defend their innocence in court. They are now imprisoned in Dartsedo Prison, Kardze but their visiting rights, which entail two family members being allowed to visit, have been denied.

*Profile of Current Known Political Prisoners*

**Lobsang Tenzin**, 40, was born in the Dranak Shol area of Lhasa City and lived with his mother, Dolkar, and eight brothers and sisters before his arrest. From age 8 to 13, Lobsang was a student at Bonshod Elementary School. From 14 to 19, he studied at the Lhasa Intermediate School and he then enrolled at Tibet University, at the age of 20.



On 27 September 1987, there was a peaceful pro-independence demonstration led by monks of Drepung Monastery which sparked a series of similar protest through out the late 1980s and early 1990s. On 5 March 1988, Lobsang actively participated in a demonstration in Lhasa and was subsequently arrested for throwing stones and fighting with a Chinese official during the demonstration. He was then implicated as the “principal culprit” in the death of a PAP officer. Lobsang was immediately taken to Gutsa Detention Centre, where he was severely beaten with wooden sticks and iron rods. His entire body was bruised and he sustained 4 large wounds to his head. These events were described to his mother, during a visit with him in prison. On 16 April 1988, the Chinese authorities widely broadcasted Lobsang’s arrest and expulsion from the university through the use of television, radio, and newspapers. At this time, the Special Police legally notified the family of his arrest.

On 19 January 1989, after a summary judicial procedure, Lobsang Tenzin, along with 5 other Tibetans, was sentenced by Lhasa People’s Intermediate Court. All six had been charged in connection with the death of the PAP officer and Lobsang Tenzin had been charged as the primary instigator. He was sentenced to death with 2 years’ reprieve. The other men involved were Sonam Wangdue (layname Shugden), sentenced to life imprisonment (who died on 8 April 1999 at his residence in Lhasa after being granted medical parole in 1993 but who was unable to recover from the injuries he sustained through torture and inhuman and degrading treatment in Drapchi Prison); Gyaltsen Choephel, sentenced to 15 years’ imprisonment; Tsering Dhondup, sentenced to 5 years imprisonment; Bhakdro, sentenced to 5 years imprisonment; and Tamding, sentenced to 5 years’ imprisonment. All except for Lobsang Tenzin were released.

On 31 March 1991, Lobsang and Tenpa Wangdrak were caught attempting to hand over a letter to the then US Ambassador, James Lilley, detailing

## **Prisoners of Tibet**

### *2006 Special Report*

prison torture and maltreatment. The interpreter accompanying the Ambassador snatched the letter from his hands. The 2 were viciously beaten and moved to unlit isolation cells. On 27 April 1991, after protest by fellow prisoners in relation to their continued isolation, the 2, along with 3 other prisoners, Lobsang Palden, Tenpa Phulchung, who died in November 1998 following his release, and Penpa, were taken to Sangyip Prison with both their hands and feet chained. The following day, they were again handcuffed and transferred to Powo Tramo Prison, a RTL unit in Kongpo. They were held at Damchu, a unit within Powo Tramo Prison Complex. By 1 June 1991, when Lobsang Tenzin's manacles were removed, his health had been severely affected.

While in prison, Lobsang Tenzin has sustained severe beatings which have caused his health to deteriorate. His brother reported after visiting him in October 1992, that both his memory and general physical condition were deteriorating. In August 1999, a visitor of one of Lobsang Tenzin's fellow inmates reported that he was in very poor health. He had suffered a damaged kidney causing his body to become numb and making it extremely difficult for him to stand. He has also developed psychological disorders while in prison, as well as other minor diseases.

Under pressure of international protests, Lobsang's death sentence was commuted to a term of 18 years' imprisonment in 1994. The UN Special Rapporteur on Torture, Dr. Manfred Nowak, during his visit to China, Tibet and Xinjiang Autonomous Region between 20 November-December 2005, met with Lobsang Tenzin at the newly operational Chushul Prison near Lhasa. Before Lobsang's transfer to this newly built prison, he served majority of his prison sentence in Powo Tramo Prison.

**Lodroe Gyatso** (born in 1961) was a dance artist and weight lifting champion from Sog County, Nagchu Prefecture, which is 326 kilometres from Lhasa. He belonged to "TAR" Tsaronk Township # 3. His father, Jigme, died at the age of 87 and his mother, Sonam Yeshe, is currently living in Sog County with his younger brother, Tenzin Dhargyal. Lodroe is known by the people of Sog District as a man of strong political convictions who possesses an immense love for his country.

Lodroe's sister, Lharik, was killed in a car crash. The driver of the car was

### *Profile of Current Known Political Prisoners*

Gayoel, a Tibetan man who is known to be strongly pro-Chinese. Lodroe filed a murder charge against Gayoel, but the case was left pending for over a year and Gayoel was ultimately pronounced “not guilty”. After the trial, Gayoel reportedly told people that he would kill Lodroe one day. Upon hearing this threat, Lodroe once again attempted to file a case with the Sog County Police Station, but this time the authorities refused to register the case.

On 17 January 1993, Lodroe and Gayoel met by chance and began fighting. During the course of the fight, Lodroe stabbed Gayoel and he died. Eyewitness accounts revealed that Gayoel was carrying a pistol and Lodroe retaliated in self defence. 8 members of the PAP went to the scene and threw Lodroe to the ground and severely beat him. On 20 April 1994, Nagchu Prefecture Peoples Intermediate Court sentenced him to 15 years’ imprisonment sentence on charges of “deliberate homicide”. Lodroe was taken to Drapchi Prison to serve his sentence.

While serving his term in Drapchi, Lodroe conceived of a plan to contact the political prisoners in *Unit # 5*. They were to distribute political literature before the Tibetan New Year. On 4 March 1995, he received permission from the prison officials to visit another block under the pretext of seeking medicine from fellow inmates. While he did so, he shouted pro-independence slogans, concluding his demonstration in front of the courtyard of the first unit after walking past the second, fourth, fifth and the sixth units. During his lone demonstration, he shouted “Tibet is independent”, “Long live the Dalai Lama”, “Chinese go back home” and “Six million Tibetans are united”; all the while throwing around 350 hand-written flyers. Lodroe read the flyers aloud for everyone to hear. Two prison officials, Bao and Zhao; Pema Rinzin, head of the fourth block; Lee Tue Tang from the first block; and an unknown Chinese official from the sixth block snatched away the pamphlets and clamped thumb cuffs on Lodroe. They kicked and beat him with their belts, tied him up with rope, and continued to torture him until he bled from his mouth and nose. He was taken to the torture cell where he was untied and beaten again. Pema Rinzin and the Chinese official from the sixth block beat him on his genitals and abdomen. During this beating, the head of the prison, Phuntsok Yong told Lodroe: “If the Dalai Lama were here, I would put him here along with you. I should kill you and if I don’t increase your prison sentence, don’t call me by my name”.

## **Prisoners of Tibet**

### *2006 Special Report*

Three days later, Lee Tue Tang, Liu Bao and Zhao demanded that Lodroe “confess to his mistakes”. He refused, saying “even if you kill me I will not confess” and continued to shout “Long Live His Holiness the Dalai Lama” and “Free Tibet”. He was then strangled and kicked causing him severe neck and mouth injuries, until he fell unconscious. Such torture sessions continued regularly for one month. From 4 March to 5 April 1995, Lodroe’s ration was reduced a small piece of *tingmo* and a small mug of water twice a day.

Prison officials and RTL Commission Officials subsequently called a meeting, drew up papers for Lodroe Gyatso’s execution, and forwarded them to the prosecution division. In April 1995, while the Intermediate People’s Court execution order was awaiting the approval of the Higher People’s Court, the prisoners of Drapchi were able to smuggle the news of Lodroe’s impending death abroad. Consequently, the UN Special Rapporteur on Extra-judicial Summary or Arbitrary Executions made an urgent appeal to Chinese authorities on 3 May 1995. This timely intervention by the UN Special Rapporteur and repeated appeals from the international community saved Lodroe’s life. No execution sentence was passed. Rather, Lodroe Gyatso’s sentence was extended by an additional 6 years on 18 May 1995 and he was stripped of his political rights for an additional 3 years, bringing his total sentence to 21 years. Lodroe Gyatso is currently serving his sentence in Chushul Prison.

On 20 November 1996, Lodroe Gyatso was brutally beaten by prison guards during prison visiting day. While the prisoners were waiting for their names to be called out, Lodroe Gyatso walked away from the group of prisoners to get some sunlight. He was leaning against a wall when the officer-in-charge immediately took him back to his cell. Prison guards were reportedly seen covering his head with a black cloth and beating him. He was placed in solitary confinement and, following his release, he was detained along with criminal prisoners.

On 6 September 2006, **Lobsang Palden**, a monk of Gephelling Monastery, Kardze, Sichuan Province was arrested for “inciting splittism” and was reportedly beaten for “refusing to implicate other persons.” **Ngawang Phulchung** (born in 1965), from Toelung Dechen County, Lhasa Municipality, was first detained in 1987 in connection with his participation

*Profile of Current Known Political Prisoners*

on a peaceful demonstration. He joined Drepung Monastery at an early age and reached an advanced level of study in Buddhist philosophy. He was just a short step from attaining the degree of Geshi (Doctorate of Philosophy in Buddhism), but felt compelled to concentrate his energies on the Tibetan struggle for political and religious freedom.



On 27 September 1987, Ngawang Phulchung and 20 other monks of Drepung Monastery staged a peaceful demonstration in central Lhasa demanding respect for human rights, including religious freedom and the right to self-determination for Tibetans. This was a turning point in the Tibetan struggle and sparked off a series of public protests. Prior to this day, few Tibetans had dared express their concerns for fear of ruthless Chinese reprisals. The Chinese violently suppressed the demonstrators who were beaten and detained. Ngawang was held without charge for 4 months and was finally released in January 1988 following intense international media attention and pressure and the personal intervention of the late Xth Panchen Lama. Soon after his release, Ngawang said he had participated in the demonstration in support of the Dalai Lama and in order to protest against the Chinese authorities' condemnation of the Dalai Lama's Five Point Peace Plan which they claimed was an attempt to split the motherland. Asked whether he and the others were afraid to demonstrate, his reply was "No, we were not frightened ... we were already prepared to give up our lives for the six million Tibetans. Anyway, sacrificing your life is not against Buddhism".

Ngawang was also one of 10 members of a group which clandestinely produced political literature and distributed it extensively. In April 1989, Ngawang Phulchung and 3 other monks were arrested for forming a "counter-revolutionary group" which had clandestinely produced political leaflets. Amongst the "reactionary literature" published by the group was a complete Tibetan translation of the Universal Declaration of Human Rights (UDHR). The group had also reported on political unrest in Tibet, criticised human rights violations by the Chinese authorities, listed the names of persons arrested or killed by the Chinese police and military, and alerted Tibetans to the international support for their cause. A further document published by the group was entitled "The Meaning of the Precious

## **Prisoners of Tibet**

### *2006 Special Report*

Democratic Constitution of Tibet". It described a parliamentary system for an independent Tibet, relying on the traditional principles of Buddhist dialectics to analyse the concept of democracy and called upon Tibetans to fight "with inner strength". The group was branded as "the scum of religious circles" and, in order to make an example of those involved, the Chinese authorities staged a show trial. On 30 November 1989, when the group was sentenced before a forced public gathering of 1500 Tibetans, Ngawang was denounced as the leader of the group and sentenced to 19 years' imprisonment and 5 years' deprivation of political rights. At his sentencing, Lhasa Intermediate People's Court accused him with "organising and joining a counter-revolutionary clique and spreading counter-revolutionary propaganda and inflammatory disinformation", "seriously undermining national security" and "collecting intelligence and passing it on to the enemy". The people gathered were told that the monks had "venomously slandered our socialist system characterized by the people's democratic dictatorship".

The Chinese government broadcast the sentencing on TV, with following warning:

The crimes committed by Ngawang Phulchung and other criminals demonstrate that the so-called human rights, freedoms and democracy played up by separatists both at home and abroad are nothing but a pack of deceitful lies ... Let the sentence of Ngawang Phulchung serve as a stern warning for separatists both at home and abroad that those who split the motherland will come to no good end.

On 30 March 1991, an American delegation visited Drapchi prison and a group of prisoners handed the diplomats a petition allegedly protesting against the conditions of detention. The petition was confiscated and, after the visit, prisoners, including Ngawang, were reportedly severely beaten and placed in the solitary confinement. Undeterred, Ngawang and other prisoners have continued to protest against the ill-treatment of prisoners, with the inevitable result that they have been beaten or placed in dark isolation cells. Ngawang Phulchung was transferred to Drapchi Prison along with the rest of the members of his group on 15 January 1990. Ngawang was later known to have been transferred to newly operational Chushul Prison where he remains incarcerated. Ngawang is now 41 years old.

*Profile of Current Known Political Prisoners*

The latest information is that almost all of Ngawang's colleagues from Drepung Monastery who were imprisoned along with him have been released from prison early after receiving sentence reductions or completing their prison sentences; however, Ngawang served over 16 years of his 19-year sentence before receiving a six-month sentence reduction on 22 September 2005. He is now due to be released from Tibet's Qushui (Chushul) prison on 18 October 2007.<sup>28</sup>

There are differing reports regarding the arrest of 3 monks and one boy, all from Kardze, in Lhasa in October 2005. It appears that they were tracked to Lhasa and arrested for political activities in Kardze (they were planning on fleeing to Nepal), but some reports state that they were arrested for attempting to leave the country.<sup>29</sup> It has also been reported that the men were first taken to Shigatse where they were beaten and tortured before being turned over to officials in Kardze. Two of the monks and the boy were all released in February 2006, but it is known that is **Namkha Gyaltsen** is still being held.<sup>30</sup> Namkha Gyaltsen, a Tibetan monk from the Gyasoktsang family in Thinley Lado Village, Kardze prefecture, Sichuan Province "TAP", is facing 7-8 years prison sentence for allegedly painting "separatist slogans" on government property, circulating pro-independence posters and displaying the banned Tibetan national flag.<sup>31</sup> Namkha is one of 4 master chanters at the Kardze Monastery. He was accused of painting pro-independence slogans on the walls of government buildings in Kardze and on two iron bridges nearby in March 2005. Fearing arrest, he ran away from Kardze to escape to India via Lhasa but the police pursued him to Lhasa, detained him, and returned him to Kardze. Namkha Gyaltsen is said to be held in Ngaba (*Ch*: Aba) "TAP". There is no further information regarding his trial.

**Nyima Tsering**, 65, born in Gyantse County (*Ch*: *Jiangzi Xian*), Shigatse Prefecture, "TAR", was ordained as a monk at Tashi Lhunpo Monastery early in his childhood. After leaving the monastery, he taught Tibetan language at the local government primary school for 20 years. Although Nyima Tsering reached the age of retirement in 2001, he continued to teach at the school. Nyima Tsering was well respected in the local community for his knowledge and good nature. Nyima was arrested in December 2002 on charges of allegedly distributing pro-independence pamphlets. In June

## Prisoners of Tibet

### 2006 Special Report

2003, Gyantse County Court sentenced him to 5 years' imprisonment on charges of "inciting the masses". He was then transferred to Shigatse Prefecture Detention Centre, popularly known as Nyari Detention Centre. After a few months' detention, Nyima was transferred to Drapchi Prison. Currently he is known to have been transferred to Chushul Prison like other political prisoners from Drapchi.

In 21 December 2004, "TAR" authorities from Lhatse Dzong, Shigatse Prefecture, reportedly arrested **Phuntsok Tsering**, the chant master of Magar Dhargyeling Monastery, on charges of possessing a portrait of the Dalai Lama after a search was conducted of his living quarters.

The Chinese authorities view possession of such photos as evidence of separatist sentiments. Pictures of the Dalai Lama were not openly displayed in major monasteries and could not be purchased openly in the "TAR". Phuntsok Tsering is known to have been detained at Ngari Detention Centre but his condition and the formal charges against him are unknown.

**Phuntsok Wangdu**, a 41-year-old from Taktse County in Lhasa Municipality, is a former monk of Gaden Monastery. As a child, he was taken care of by his grandmother. When he was 8 years old, he studied in *Mangstuk* (Public) school for 2 years and then helped his parents at home. At the age of 14, Phuntsok Wangdu joined Gaden Monastery, near to Lhasa.



In 1990 when work team members conducted a raid at Gaden Monastery, 18 monks, including Phuntsok were expelled from the monastery after criticising work team members and infuriating them. On the same day, the monks were taken to Taktse County where they were disposed off at their respective villages. The heads of the villages were specifically instructed not to allow any of them to travel freely. In about October 1990, Phuntsok fled to India. He joined the Buddhist Dialectic School in Dharamsala, India. At the beginning of 1993, during school winter vacation, he returned to Tibet to see his 90 year-old grandmother who was very dear to him. On 17 June 1993, "TAR" PSB officers arrested Phuntsok and detained him at Sangyip Prison. He was detained there for 6 months and was subjected to

*Profile of Current Known Political Prisoners*

severe beatings. No reason was given for his arrest and there were no legal proceedings. Phuntsok was released after 6 months' detention with many conditions imposed, including restrictions upon his movement.

Phuntsok stayed in Lhasa for about 3 years. Then, on the eve of Tibetan New Year in 1997, he was arrested at his home together with his brother and 19 year-old cousin. The 3 men were held in Gutsa Detention Centre where they were brutally beaten. Reports from unofficial sources indicated that Phuntsok's feet and arms were manacled. In May 1997, Phuntsok was taken to a police station west of Lhasa, where he was severely interrogated for a total of one month and fifteen days. He was made to confess to crimes that he did not commit. In July 1997, Phuntsok was once again transferred to Gutsa Detention Centre where, upon arrival, he was subjected to further interrogation. On the grounds of suspicion of instigating political activities, Phuntsok was eventually charged with "espionage". Following an unfair trial in June 1998 by the Lhasa Intermediate People's Court, he was sentenced to 14 years' imprisonment and is currently being held at the Drapchi Prison. He is known to have transferred to Chushul Prison. His brother and cousin were charged with "assisting a 'splittist clique'" and were sentenced to 3 years' imprisonment by the same court..

Phuntsok Wangdu has been the victim of various forms of torture whilst imprisoned, and has reportedly tried to commit suicide to escape the harassment and torture of the Chinese authorities. Recently, unofficial reports from visitors to the prison suggest that Phuntsok has been behaving in a peculiar manner indicating increasing emotional instability.

**Rinchen Sangpo**, a 30 year-old monk and a writer was born at Ja-Doh Township, Mangra County, Tsolho "TAP", Qinghai Province. He was a monk at Tsernga Monastery in Mangra County, Qinghai Province and then studied at Drepung Monastery for 7 years prior to his arrest. Rinchen Sangpo was secretly arrested by Chinese police in Lhasa on his way to home and his family and friends do not know his whereabouts. On 19 July 2006, Rinchen Sangpo took a train from Lhasa Railway Station to return to his home. He was accompanied to the train station by 2 of his friends, Thos-sam and Sherab. Rinchen did not reach home. His family and friends searched for him and later found out that he had been arrested by the Chinese police. Chinese PSB officers questioned 2 of Rinchen's friends about

## **Prisoners of Tibet**

### *2006 Special Report*

their relationship with him. Rinchen is known to be an outspoken person who often challenged the officials of the monastery's Democratic Management Committee. He was arrested and detained for brief periods in 2000 and 2003. His room was searched after he was detained in connection with his links to Ngawang Jangchub who died under mysterious circumstances in Drepung Monastery in the first week of October 2005 following a "patriotic education" session. Rinchen was arrested for having a picture of the Dalai Lama.<sup>32</sup> According to information received by TCHRD, Rinchen Sangpo was detained at the new Lhasa railway station.

**Sey Khedrup**, 27 and originally from Yona Township, Sog County, Nagchu Prefecture, "TAR", was born to Thinlay and Choeyang Chozo. He has 3 brothers and 7 sisters. During his childhood, Sey Khedrup studied in the local primary school at Yona Township for 5 years. In 1994, he became a monk at Sog Tsendhen Monastery, one of the biggest monasteries in the area.

In March 2000, the Chinese authorities arrested a number of Tibetans from Sog County, including Sey Khedrup. 4 of those arrested were monks at Sog Tsendhen Monastery. A total of 8 people were arrested, the oldest of whom was an 83 year old man. Sog County is an area in which there have been scores of arrests and detentions in connection with independence activities. Apart from Sey Kedrup, those known to have been arrested include **Tenzin Choewang** (64), **Tsering Lhagon** (41), **Yeshi Tenzin** (33), **Trakru Yeshi** (48) and **Gyurmey** (29). All were arrested on different dates and in different places.<sup>33</sup> The Chinese authorities linked those arrested to the recurrent political and resistant activities that had been taking place in Sog County, Nagchu Tibet Autonomous Prefecture ("TAP"), since 1993.

Independence leaflets printed on wooden block stencils had begun to appear in and around the monastery, calling for the Chinese to leave Tibet and Tibetans' freedom. As Sey Khedrup worked as a carpenter and carved wooden block stencils at Sog Tsendhen Monastery, which is noted for being the most politically active monastery in the area, he was primarily suspected of being involved in these political activities. Owing to its past political activities, monks at Sog Tsendhen Monastery are



**Tsering Lhagon**

*Profile of Current Known Political Prisoners*

under strict surveillance and their movement is restricted. It is believed that the authorities closely monitored the movements and activities of those detained with the tacit cooperation of an insider from the monastery. Yeshe Tenzin and Gyurme were reportedly the first to be apprehended by police from Lhasa and Nagchu respectively during a holiday from the monastery. They were taken to Nagchu Detention Centre where they underwent intensive beatings and torture and were compelled to reveal the names of their “accomplices”. Tenzin Choewang was arrested in the main prayer hall at Sog Tsendhen Monastery by approximately 7 men in masks. The officers ransacked his belongings and discovered cassettes containing speeches of the Dalai Lama. He was taken to Nagchu Detention Centre. He was the caretaker of the monastery and slept in the hall. The day after his arrest, when people visited the hall for prayers, his clothes and belongings were found in complete disarray.

Trakru Yeshe (*Tib translit: phrakru yeshe*) was born in Yoknak Township, Sog County, Nagchu Prefecture, “TAR”. His family was semi-nomadic and consisted of 5 members. He was the middle in his siblings. Early in his childhood, he herded family livestock. Although he received little education in his childhood, Trakru Yeshe was employed by the local Hydro Power Station as an assistant and worked for around 4 or 5 years. Later, he was sent along with 30 other students to Kongpo for vocational training in electrical works for 3 years. In 1990, upon finishing his training, he was given job in Sog County Hydro Power Station. He worked as an assistant, laying wires and fixing minor electrical problems in the county. In July 1999, he and some friends decided to protest against the Chinese occupation of Tibet. The group used wooden blocks imprinted with pro-independence slogans to create pamphlets and posters. They then fly-posted pro-independence posters and scattered hundreds of pamphlets over the streets and markets in the county. The pamphlets became very prominent and Sog County “PSB” reported the incident to higher-level officials. Nagchu Prefecture PSB officials and Lhasa City Ang Jang Jue (secret service) came to Sog County to investigate into the matter leading to the above-mentioned arrests in March 2000. Trakru Yeshe was apparently arrested during the day, whilst at work, by Sog County PSB officials. His colleagues at work were strictly instructed not to tell anyone about his arrest.

Tsering Lhagon, originally from Village #2, Yakla Township, Sog County, has eight family members consisting of his wife, his 4 children - 2 sons and

## **Prisoners of Tibet**

### *2006 Special Report*

2 daughters all below the age of 11, his mother – Aya, and his sister. Although the family's primary occupation was farming, they also grazed livestock. Lhagon, however, also engaged in other work such as sewing, carpentry, and construction. Lhagon never went to school. From an early age, he took lessons from his father, a prominent engineer in the construction of traditional Tibetan style building. With the demise of his father during the Cultural Revolution in 1970s, the responsibility for the family fell to Lhagon. Gradually, he acquired many skills and became “a man with many qualities”. He worked as a foreman and a senior supervisor in constructing traditional Tibetan houses in his locality and was good at sewing clothes and wood-carpentry. In short, he became a household name in his locality and commanded a lot of respect. From 1985, he served as the main supervisor in the construction of Sog Tsendhen Monastery, Sog County, until its completion in January 2000. He was arrested in March 2000 when officials discovered wooden block prints with carvings such as “Free Tibet”, “Long Live His Holiness the Dalai Lama”, “Tibet belongs to Tibetans” and “China Quit Tibet” at his residence.

After his arrest in March 2000, Sey Khedrup was taken to Sog County Detention Centre. After a few days, he was returned to Nagchu Detention Centre where he underwent an extended period of interrogation in an attempt by the officials to extract a confession from him. Until his trial, his whereabouts remained completely unknown to his family and when they later discovered where he was being detained, they were denied visitation rights and underwent as harrowing an experience as Khedrup himself.

In mid-December 2000, Nagchu Intermediate People's Court held a public trial for Sey Khedrup and the other detainees, all of whom were charged with colluding with the “Dalai splittist clique” and “carrying out activities endangering state security”. At court, independence posters, wooden block prints, and cassettes containing speeches of the Dalai Lama, were produced as evidence. SY Khedrup was sentenced to life imprisonment. It is presumed that this was because he claimed sole responsibility for the charges brought against all of those arrested. Another likely reason for this could be his skills and background in carpentry work and carvings on wooden printing blocks. After being sentenced, Sey Khedrup was transferred to Drapchi Prison, where he is currently incarcerated. Yeshe Tenzin was sentenced to 15 years' imprisonment and Gyurmey was sentenced to 10 years' imprisonment. Tenzin Choewang was sentenced to 7 years' imprisonment. There is concern

### *Profile of Current Known Political Prisoners*

surrounding his current health as, at the time of trial, he could not stand up straight on his own and had to be supported by 2 men. Tsering Lhagon was sentenced to 15 years' imprisonment and served his sentence at Drapchi Prison before being transferred to Chushul in 2005. He was the sole breadwinner in his family and they are suffering a great deal as a result of his arrest. His wife is now the only working person in the family of 7 people and it is reported that "the family is nearing starvation". Trakru Yeshe was sentenced to 7 years' imprisonment.<sup>34</sup>

Reports indicate that other Sog residents were also detained and suffered severe interrogation at around the time the above-named men were arrested. Thupten Tsering, the blacksmith of the monastery, was brought to Nagchu Detention Centre on the pretext that he was being taken to a county meeting. He had earlier built a gate for the monastery, which the authorities believed was for the purpose of impeding officials from entering unannounced. He reasoned that it was meant to keep stray dogs from entering the monastery at night and littering the place. While he was detained in Nagchu Detention Centre for 4 months, he was so brutally beaten that by the time he was released, his right arm was disabled. Serpa Sichoe had earlier been suspected of involvement in a bomb explosion incident in Sog County in 1995 and was arrested in August 1997 along with Tenzin Choewang, Ngawang Geysar and Namgyal Soepa. Sichoe and Choewang were released after 7 months' detention, whilst Namgyal Soepa was released after 2 months. Geysar was released after 5 weeks' detention. His current status is unknown. Since his release, no one, not even his family members, has had any knowledge in relation to his whereabouts. Serpa Sichoe was in Lhasa at his niece's house undergoing medical treatment when he was arrested in 2000. He was released after being detained for a few months. He travelled to Dram (Nepal-Tibet border) in order to meet his son in Nepal in 2000. Namgyal Soepa was detained for approximately 3 months in 2000 and was later prohibited from rejoining the monastery. He is unwell as a result of the ill-treatment he suffered whilst in detention.

**Sherab**, 42, from Arik Village, Haiyan County, Qinghai "TAP", attended the local elementary school for few years as a child and then started assisting his family in their nomadic life. In 1981, he was ordained a monk at Tsang Monastery and began studying Buddhist philosophy. During Sherab's stay at the monastery, he often spoke with other monks about the need to preserve a strong Tibetan identity and expand their Tibetan education.

## **Prisoners of Tibet**

### *2006 Special Report*

In 1986, Sherab escaped to India to seek blessings from the Dalai Lama and remained there in order to learn English. A few years later, he returned to his monastery in Tibet. Upon returning to the monastery, he completed his studies in Buddhist philosophy and pursued an interest in Tibetan medicine and astrology. He became the in-house doctor for his monastic community, offering his services to lay people in his spare time. Sherab also carried out research on the history of the monastery, including its artifacts. During visits by tourists and interested Tibetans, he often acted as a guide. He became a prominent figure in the monastery. In 1992, he returned to India in order to undertake a pilgrimage and seek donations so that school could be built in his hometown. Unfortunately, he was unsuccessful in seeking donations and returned to his monastery.

At the beginning of 2002, the Chinese authorities began to mine gold on Gashar hill, close to Sherab's monastery. Seeing the threat posed to the local environment by mining, Sherab secretly took photographs and wrote a detailed account of the authorities' actions and their impact. He wanted to tell the outside world about the environmental damage which was occurring in his hometown.

In November 2002, PSB officials from Xiling County arrested Sherab because they were suspicious in relation to his two visits to India and had been keeping him under surveillance.

Sherab was detained, interrogated and tortured. His family had no idea of his whereabouts for a long time. After repeated attempts to locate him, an official working in Kawasumdo County (*Ch: Thunde*) informed the family that Sherab was at a brick manufacturing labour camp on the outskirts of Xiling County. During a visit by the family, Sherab told them that after his detention he was brutally tortured by the officials during interrogations.

At the beginning of 2003, Xiling City People's Intermediate Court charged Sherab with "endangering state security" and sentenced him to 5 years' imprisonment. He is currently serving his sentence in a brick manufacturing labour camp. His health is known to have deteriorated during his incarceration and as a result of the hard labour in the camp.

**Sonam Gyalpo**, in his early forties and from Lhoka region, "TAR", a tailor by profession, was arrested by officers from the Chinese secret service agency (*Ch: Ang jang jue*) on 28 August 2005, just prior to the celebration of the 40th anniversary of the founding of the "Tibet Autonomous Region"

*Profile of Current Known Political Prisoners*

(“TAR”) on 1 September 2005. This was during the “Summer Strike Hard” campaign which was launched as a precautionary measure to prevent any protests during the 40<sup>th</sup> anniversary celebrations as the authorities wanted Tibet to be projected to the outside world as happy and prosperous. During the campaign, the authorities in Tibet intensified their vigilance of Tibetans who had been “political” in the past and rounded up many people who it was suspected might disrupt the celebrations.



At around 6 pm on the evening of 28 August 2005, when Sonam Gyalpo and his wife, Tsamchoe, had returned home after closing their stall, 16 officials from the secret service were waiting for them. Sonam was asked to sign a document, however, when he tried to make inquiries about it, he was told that the officials had received orders to arrest him. Immediately after he signed the document, 4 officers took him away in a jeep and the 12 other officers began to ransack his house. After a massive search during which every item in the house was overturned, the officers discovered “incriminating materials” in the house, including 4 videotapes containing teachings of the Dalai Lama, a few items of political literature and pictures of the Dalai Lama. Sonam Gyalpo’s whereabouts were then unknown and his family was extremely concerned about his well being and safety.

Previously, Sonam was a monk at Drepung Monastery. He initiated a peaceful demonstration along with 20 other monks on 27 September 1987. He was charged with “counter-revolutionary” activities and sentenced to 3 years’ imprisonment in Drapchi Prison. Following his release from Drapchi prison in 1990, he permanently settled in Lhasa. In 1993, Sonam traveled to Kathmandu to meet his younger brother, Tashi Wangdrak, and to India to receive a blessing from the Dalai Lama. As an ex-political prisoner, he was not issued with travel documents by the Chinese authorities and therefore traveled illegally to Nepal. Upon his return to Tibet, his hotel room was searched by Chinese border security personnel who confiscated a few packets of herbal pills blessed by the Dalai Lama. On 23 July 1993, 5 months after his return from Nepal (Saga Dawa day), Sonam was arrested by Lhasa PSB officials at his home and detained at Seitru Detention Centre (“TAR” PSB Detention Centre) for a few days. Later, he was transferred to Shigatse Nyari Detention Centre about 260 Kms from Lhasa. His family was not

## **Prisoners of Tibet**

### *2006 Special Report*

informed of his whereabouts and he was denied his right to visitors. After 6 months in Nyari Prison, he was imprisoned for an additional 6 months in Sangyip Prison, Lhasa. Whilst there, he was allowed to see his wife and relatives.

According to TCHRD's latest information, Lhasa Intermediate People's Court sentenced Sonam Gyalpo, to 12 years' imprisonment on charges of "endangering state security" in around mid 2006. Prior to sentencing, he was held in detention at Seitru Detention Centre. Sonam's family appealed to the High Court to reconsider his sentence but to no avail. The latest information is that he is imprisoned in Chushul (*Ch: Qushui*) Prison, west of Lhasa City.

**Sonam Ngodup**, 29, from Senge Chu, Kardze County, Kardze "Tibet Autonomous Prefecture" ("TAP"), Sichuan Province, is a monk at Kardze Monastery. He was sent to a village primary school early in his childhood but his parents pulled him out of the school as he was not learning much, apart from being able to read some Tibetan, in the school which lacked teachers and facilities. Instead, Sonam helped on the family farm, herding livestock among other things. Sonam wished to become a monk and, in 1990, was admitted to Kardze Monastery. He was very hard working in studying religious scripts and Buddhist philosophy.

Kardze Monastery, located in Kardze County, is a renowned monastery in Kardze "TAP" and has about 500 monks. In recent years, many pro-independence activities have been initiated in the monastery and many monks from the monastery are serving prison terms in relation to political activities.

In 2001, after spending 6 years in the monastery, Sonam Ngodup began to engage in political activities. He fly-posted pro-independence posters in Kardze County and other prominent places. Following a large-scale investigation by the local PSB, Sonam was arrested at the monastery in April 2001. During his detention in the PSB Detention Centre, officials tortured him in order to extract confessions from him and also to find out about his accomplices. At the end of 2001, Kardze People's Intermediate Court sentenced him to 7 years' imprisonment on charges of "inciting masses through anti-government propaganda" and "endangering State security".<sup>35</sup>

*Profile of Current Known Political Prisoners*

In 2002, he was transferred to Mok Prison in Ngaba Prefecture. Due to constant beatings and torture, Sonam's condition is said to be grave but he has been denied medical treatment. On several occasions, he has become unconscious and collapsed on the ground. During one such incident, he lost his front teeth. Sonam Ngodup is due to be released in 2008.

**Sonam**, a monk in his early 40s, originally from Toelung Dechen County, west of Lhasa, was one of the first monks allowed to enrol at the Potala Palace following its re-opening several years after the end of the Cultural Revolution (1966- 76). He first started work as a cook and was later promoted to the position of "go-nyer" or caretaker monk, at the Maitreya Temple within the Palace. Sonam and a Tibetan doctor established a clinic at the Palace to provide medical assistance to older monks in residence. Sonam was also appointed as a delegate on an official trip to Nepal in the mid 1990s, an indication of official trust in his loyalty.

Sonam was taken from the Palace in what confidential sources describe as a politically motivated detention<sup>36</sup> on or about 21 August 2005. According to witnesses, Sonam was reportedly arrested at the rear-vehicle entrance of the Potala Palace. This entrance is usually used by tourist groups as opposed to Tibetan visitors. Sonam was said to have been lured with a deceptive message that someone was waiting for him. Once there, he was taken away quietly in an unmarked vehicle and has not been seen since. Lhasa police often use unofficial vehicles to carry out detentions in a low-key and unobtrusive manner. No one has seen Sonam since his arrest. The incident occurred during a heightened security alert before the 40<sup>th</sup> anniversary of the founding of the "TAR" on 1 September 2005; however, it seems unlikely that his was a case of preventative detention since he has no previous record of political activism. Those subjected to preventative detention were previously convicted political prisoners who had completed their sentence or Tibetans who had been caught, even years earlier, after returning from unauthorized trips to India. This is Sonam's first known detention. There are grave concerns for Sonam's well-being. Sources indicate that two other Potala monks were detained at around the same time as Sonam, though no further information on them is available.

**Tamdin**, 67, was born in Palbar County, Chamdo Prefecture, "TAR" and joined the Palbar Monastery early in his childhood. His father was the head of Pelbar and Powo Yihong Counties. After the Chinese invasion of

## **Prisoners of Tibet**

### *2006 Special Report*

Tibet in 1959, his family was branded “bourgeois reactionary” and thus had their wealth, land, and livestock confiscated. His brother was arrested in a political incident and was sentenced to 11 years’ imprisonment. Tamdin’s family underwent much suffering and humiliations and moved to Lhasa in about 1958. In 1966, when the Cultural Revolution began, Tamdin was labeled a leader of “reactionaries” and was sentenced to 13 years’ imprisonment. He was released in 1976.

On 9 March 2001, Tamdin fly-posted posters calling for “freedom in Tibet” along the circumambulation route of Chamdo Monastery. He also wrote the slogans on “Mani” stones and raised slogans in public. The local PSB, upon finding out about his activities, arrested Tamdin and detained him at Chamdo Prefecture Detention Centre for 6 months. In June 2001, he was allegedly charged with “endangering state security” by engaging in “anti-government propaganda” activities.<sup>37</sup> Chamdo Prefecture People’s Intermediate Court sentenced Tamdin to 6 years’ imprisonment and he was subsequently imprisoned in Tibet Autonomous Region Prison, popularly known as Drapchi Prison. He is known to have transferred to Chushul Prison.

Tamdin is among the elder prisoners and his health is very poor. Tamdin’s term expires in 2007, at which time he will be 69 years old.

**Tashi Gyatso**, 37, from Darlag Township, Machen County, Golok Tibet Autonomous Prefecture (“TAP”), Qinghai Province, was engaged in family nomadic chores from early in his childhood. In order to receive education, he travelled to India in 1996 and studied for 3 years to become proficient in Tibetan and English language. In 2001, Tashi along with Lotse and Lobsang Dhargay, attempted to return to Tibet. Unfortunately, they came across a Chinese border patrol at the Nepal-Tibet border. Tashi managed to escape arrest and returned to Nepal. After a few days’ stay in Nepal, he successfully crossed into Tibet. After passing through Lhasa, he reached Chabcha County on 5 May 2001. He rented a room in a hotel and took a shower, when suddenly a team of PSB stormed into the room. They ransacked the room and discovered pictures of the Dalai Lama and political literature. Tashi Gyatso was immediately taken to the local PSB Detention Centre.

Tashi was accused of carrying out political activities and transferred to Xiling County Detention Centre. He was severely interrogated Tashi and tortured

for 3 months, in an attempt to force him to confess his activities and motives. He was then returned to Machen County Detention Centre. After 2 months of detention there, Machen County Court sentenced Tashi to 12 years' imprisonment term on charges of "endangering state security" and "spreading anti-government propaganda". He was transferred to a forced labour prison in Xiling County in which all prisoners are forced to make bricks. Tashi is only allowed visitation from his family once a month. Due to hard labour in the prison, as well as insufficient food and frequent torture, Tashi's health has greatly deteriorated.

**Tashi Topgyal**, 50, born in Thong Village, Yamo Township, Ngamring County, Shigatse Prefecture, "TAR", has 3 sons and earned his livelihood through farming. Tashi learned carpentry when he was young and also did carpentry work during his free time between harvests. He worked on construction sites and made wooden household furniture.

In August 2002, several wall posters calling for Tibet's independence were found fly-posted and scattered in the township market. An investigation team comprising PSB officials from Ngamring County and Shigatse Prefecture conducted thorough investigations in neighboring villages and interrogated all of those deemed suspicious but could not find out the "culprit". Upon further investigation, the PSB team became suspicious of Tashi and raided his house on 22 October 2002. On ransacking his house, the officials discovered an "Autobiography of the Dalai Lama" as well as "Guidelines for Future Polity of Tibet". Tashi's neighbours houses were also ransacked. Tashi was arrested. A few days later, the PSB also arrested Ngodup Dorjee, a member of staff at Ngamring County Bank in whose house they found a Tibetan national flag.

Tashi Topgyal was detained in Shigatse Prefecture Detention Centre and was brutally tortured during interrogation sessions. The authorities did not inform his family in relation to his whereabouts and they became anxious when they could not locate him. In mid 2003, Shigatse Prefecture People's Intermediate Court sentenced Tashi Topgyal to 6 years' imprisonment on charges of "endangering state security" through anti government propaganda.<sup>38</sup> At the end of 2003, he was transferred to Drapchi Prison in Lhasa and known to have transferred to Chushul prison in 2005 where he continues to be imprisoned. He is expected to be released in 2009.

## **Prisoners of Tibet**

### *2006 Special Report*

**Tenpa Dhargay**, 25, born in Amdo Golok, who was in possession of a Tibetan national flag when he was arrested at Shigatse in 2000 on his return from Tibet,<sup>39</sup> was sentenced to 5 years' imprisonment by Shigatse Intermediate People's Court and serving his sentence in Chushul prison.

**Tsewang**, 30, and **Yeshe Dorjee**, 25, were sentenced to 6 years' imprisonment for possessing political literature while on their way to Tibet in 2000 and 2001 respectively.<sup>40</sup>

**Tenzin Khedup** and **Thupten Thabkai**, both Tibetan Buddhist monks, were arrested on 18 July 2001, as were 2 others: Damdul and Thupten Sherab, "the youngest of the men arrested," a source said. These 4 men were among 16 Tibetans arrested on 18 July 2001, one week after an explosion in a miner's tent which seriously injured 4 Chinese gold miners. The authorities targeted local Tibetans who were nearby when the explosion occurred, arresting 10 monks and 6 others in the Tengchen area. Among the 16 Tibetans who were arrested, a monk named Marong Tseta was beaten to death and another monk was tortured with an electric prod, a witness said, citing one of the Tibetans who was detained along with Marong Tseta. "Forty monks have been expelled from the local monastery (Trido Chu Monastery) and new enrollment has been stopped," one source said. "The same monastery used to have 150 monks."<sup>41</sup> Tenzin Khedup and Thupten Thabkai were reportedly subjected to torture and forced to give false confessions. In November 2001, Chamdo Intermediate Court and Tengchen Local Court handed down sentences of life imprisonment and fines of 29,000 Yuan and 19,000 Yuan to Tenzin Khedup and Thupten Thabkai respectively at a public meeting of some 6,000 people in the Tengchen area of Tibet's Chamdo Prefecture.<sup>42</sup> Court and police officials declined to comment on the case. Damdul, received a sentence of 3 years' imprisonment and Thupten Sherab was acquitted and released.

**Tenzin**, born in 1975, is a monk from Kirti Monastery and teacher in Ngaba County Tibetan Middle School. He was arrested by Ngaba County PSB officials in January 1999 for decorating a picture of the Dalai Lama and possessing a Tibetan national flag. He was and detained at Ngaba County PSB Detention Centre for 3 months. After 3 months, he was sentenced to

5 years' imprisonment and transferred to Maowan Prison (*Ch: Aba Jlan Yu*) in Maowan Qiang Autonomous County, Ngaba "TAP", Sichuan.

**Thubten Samten** was born in Zachukha, Sichuan Province "TAP". Before going to Lhasa, he studied in Margey (*Tib tranlit: Mar Dge*) Monastery. In 2002, he joined the Sera Monastery in Lhasa and studied in Ser-Jhe Jadrel Khangtsen until his disappearance on 23 May 2006. He was given a warning by "work team" officials in relation to having pictures of the Dalai Lama and the Panchen Lama, as well as a Tibetan national flag. At the time, he reportedly showed his defiance by telling the work team officials that this was his personal will and respect. Thubten Samten was suspected for his possible involvement in numerous incidents of fly-posting at Sera Monastery and in certain areas of Lhasa City.<sup>43</sup>

**Trulku Tenzin Delek**, (lay name: Angag Tashi), a popular religious figure from Kham (Sichuan Province) in eastern Tibet, received a life sentence on 25 January 2005, commuted from a death sentence that had been suspended for two years. His co-accused Lobsang Dhondup was executed on 26 January 2003. Trulku Tenzin Delek was born in 1950 to Tsepa Dorjee and Dolma Choezom in Lithang County, Karze "TAP", Sichuan Province. He entered the monastery at the age of 7 and was ordained by Khensur Shakpa.



In 1978, Trulku met with the late Xth Panchen Lama at Labrang Tashikyil Monastery to express concerns over the fact that the Chinese authorities were torturing local Tibetans. In early 1982, Trulku Tenzin Delek sought an audience with the Dalai Lama in Dharamsala, India, and thereafter stayed in Drepung Tashi Gomang Monastery, South India, for 6 years. In 1983, the Dalai Lama recognised Trulku Tenzin Delek as the reincarnation of Geshe Adham Phuntsok and gave him the name Trulku Tenzin Delek. When he returned to Tibet in 1987, Trulku Tenzin Delek was constantly scrutinized in connection with alleged political activities and connections with the Dalai Lama. Until his arrest on 7 April 2002, Trulku Tenzin Delek was active in social welfare activities in Lithang County. He was permitted to build a monastery and the late Panchen Lama named it Kham Nalanda Thekchen Jhangchup Choling. Between 1991 and 1995, Trulku Tenzin Delek built 7 monasteries and an old people's home in Nyagchuka County.

## **Prisoners of Tibet**

### *2006 Special Report*

Later, in 1997 he built a school in Geshe Lungpa Village, Nyagchuka County, which provided assistance to more than 160 orphans and children from poor nomadic and farming families. Trulku fully financed the school with the supplies such as food, clothing, salaries etc.; however, the local authorities deemed the school to be “illegal” and forcefully conducted “patriotic re-education” sessions in the school, eventually leading to its closure in 2000 when all wards of the school had to return to their homes.

Trulku Tenzin Delek vociferously campaigned against environmental destruction in Kham. He also maintained an independent religious stand on the controversial issue of the Xth Panchen Lama’s reincarnation which might have provoked a reaction against him by the authorities. He was very popular among the local people as evidenced by the fact that a significant portion of them trusted him, rather than the district cadres, to solve communal problems fairly and efficaciously, in part because of his willingness to approach provincial and central government officials when local efforts failed.

In 2001, a series of bomb blasts ripped through Kardze “TAP”. On 3 April 2002, a bomb went off in the city’s main square (Tianfu) in Chengdu, the provincial capital of Sichuan, resulting in 12 injuries and one death. Shortly afterwards, the Chinese police arrested Lobsang Dhondup (Ch: Lorang Toinzhub), alleging that he was involved in the explosions. Later, his room was ransacked and police found a photo of Trulku Tenzin Delek. They therefore linked Trulku Tenzin Delek to the April 2002 bomb blast. 4 days after the bombing incident, on the night of 7 April 2002, a team of Sichuan PSB officers and PAP stormed into Trulku’s room at Kham Nalanda Thekchen Jangchub Choeling in Nyagchuka, Kardze “TAP” and arrested him along with four of his attendants, Tsultrim Dhargyal, Ashar Dhargyal, Tamdin Tsering and Dhondup (lay) who were accused of being his accomplices.

While they were in detention after their arrest, there were many reports of Trulku Tenzin Delek and Lobsang Dhondup being subjected to coercive interrogation, beatings and torture. Both Trulku Tenzin Delek and Lobsang Dhondup declared their innocence and the authorities could not produce any substantial evidence to corroborate the allegations against them. Trulku Tenzin Delek and the 4 others who were arrested along with him were refused access to attorneys and private visitors who might confirm allegations of torture. There was no information in relation to the whereabouts of

*Profile of Current Known Political Prisoners*

Trulku Tenzin Delek and the others for almost 7 months after their arrest. Trulku Tenzin Delek's disciples only came to know of his whereabouts when both Trulku and Lobsang Dhondup were brought to Kardze Intermediate People's Court for trial. No one saw Trulku Tenzin Delek in person between the time of his arrest and his first court trial, almost 8 months later.

On 2 December 2002, the closed trial of Trulku Tenzin Delek and Lobsang Dhondup was held in Kardze People's Intermediate Court. Only 2 of Trulku's relatives were allowed to attend the court proceedings. The Court sentenced Trulku Tenzin Delek to death with 2 years' suspension and deprivation of political rights for life for "committing crimes concerning explosions". Additionally he was sentenced to 14 years' imprisonment and deprivation of political rights for 3 years for "inciting the split of the country". Lobsang Dhondup was sentenced to immediate death and deprived of political rights for life for "committing crimes concerning explosions". He was sentenced to 12 years' imprisonment and deprivation of political rights for 2 years for "inciting the split of the country", as well as an additional 3 years' imprisonment for "illegally possessing firearms and ammunition".

Trulku Tenzin Delek maintains that he did not confess to any of the charges against him. Lobsang Dhondup reportedly declared in the court, "Neither Trulku nor I am involved in any way with the bomb explosions. The trial was unfair".

Neither Trulku Tenzin Delek nor Lobsang Dhondup received a fair trial by international standards. Both were denied access to independent lawyers, no evidence against them was made public and the trial was held in closed session. Trulku Tenzin Delek appears to have been found guilty solely on the basis of a "confession" by Lobsang Dhondup which was later retracted and alleged to have been extracted by torture; whilst Trulku Tenzin Delek has repeatedly protested his innocence.

After 2 central government officials visited Trulku Tenzin Delek on 6 January 2003, he began a hunger strike, saying that Chinese authorities had denied him a fair trial. He is reported to have told the 2 officials that he did not wish to respond to their queries, as they were not interested in finding out the truth. In a secretly recorded message, smuggled out of Tibet, Trulku said:

## **Prisoners of Tibet**

### *2006 Special Report*

Whatever [the authorities] do and say, I am completely innocent...Around that time, one of my friends called me and asked if [Lobsang Dhondup] was my relative. Then I became suspicious that something serious was going on. When I heard about the explosions and arrest of Lobsang Dhondup, I suspected that I might be wrongly accused and arrested - that I might become a scapegoat.

On 17 December 2002, Tsering Lolo, brother of Trulku Tenzin Delek, hired two prominent lawyers, Zhang Sizhi and Li Huigeng from Beijing, to represent him in a re-trial. On 18 December 2002, Trulku Tenzin Delek sent a letter through Tsering Lolo to Zhang Sizhi and Li Huigeng, appealing for them to represent him in his case. Zhang and Li had famously represented other dissidents in 1991 and in 1995. On 25 December 2002, Li telephoned Judge Wang Jinghong of the Sichuan Provincial Court to make arrangements for representations to be made to the court and for an interpreter. Judge Wang suggested that the lawyers hire a local translator and make travel arrangements; however, the re-trial was once again a closed trial which had not been anticipated by the lawyers. On 26 December 2002, Judge Wang Jinghong called attorney Li Huigeng and made several inquiries over relations between Trulku Tenzin Delek and Lobsang Dhondup, and other unclear details in the case. On 27 December 2002, attorney Li called Judge Wang and sought permission to meet and talk with Trulku Tenzin Delek. Judge Wang knew that Trulku was detained in Dartsedo Detention Centre and even gave the lawyer road directions from Chengdu to Dartsedo. That same day, Lithang County PSB officers arrested Tsering Lolo on charges of hiring lawyers for Trulku. On 28 December 2002, Zhang Sizhi and Li Huigeng met with Wang Lixiong to discuss representations. Mr. Lixiong felt that only lawyers from outside of the Sichuan would work beyond governmental control and be strong advocates. On 29 December, Judge Wang under pressure from higher authorities did not permit Trulku Tenzin Delek's chosen lawyers to represent him. Instead, 2 court-appointed lawyers represented him. Trulku Tenzin Delek was never consulted in relation to this change of lawyers. Li and Zhang Sizhi paid to get access to official documents in relation to the case on 6 January 2003. The death sentence verdict of Trulku Tenzin Delek was upheld on 26 January 2003 and Lobsang Dhondup was executed on the same date. The trials of Trulku Tenzin Delek and Lobsang Dhondup violated many fundamental principles of free and fair trial as enshrined in China's

*Profile of Current Known Political Prisoners*

constitution and in international human rights law, including the right to a public trial and the right to a lawyer. Wang Lixiong, who has written about the case on a Chinese language website said: “Trulku Tenzin Delek is a lama who is respected by all the people. By putting the label of a terrorist on him and putting him on trial and clamping the death sentence on him the Chinese police might think they have accomplished something great.” He has said that he does not believe that Trulku Tenzin Delek is involved in the bombings: “By this act the Chinese police have used one arrow to kill two deer. The Chinese police have cut Trulku Tenzin Delek down to size and have claimed success in solving the mystery of the April bomb blasts.”

Unconfirmed reports indicated the arrest of at least 60-80 Tibetans in connection with the Trulku Tenzin Delek case since April 2002. TCHRD has documented 13 known arrests. As at 2006, 2 political prisoners who were convicted as a result of the case are known to remain in prison: Lobsang Tenphen and Luzzi Tashi Phuntsok (see below for details of these cases).

The Chinese Foreign Ministry, in response to an official EU demarche over the Trulku Tenzin Delek case, informed the German Foreign Ministry that Trulku is “being held in Chuondong Prison in Dazu district in eastern Sichuan Province and is in good health”. It was further indicated that his suspended death sentence would be “calculated from the day the judgement became final and could be commuted to lesser sentence”. As his death sentence verdict was upheld on 26 January 2003, the two-year suspension period of Trulku Tenzin Delek expired on 25 January 2005. International Tibet support groups and human rights groups initiated intense international appeals and campaigns to save his life. The Higher People’s Court in Sichuan Province commuted his sentence to life imprisonment on 25 January 2005.<sup>44</sup> Article 51 of China’s Criminal Law stipulates that a death sentence can be commuted to life in prison “if no intentional crime during the period of suspension” is undertaken by the prisoner and “if major meritorious service is truly performed, punishment shall be commuted to fixed term imprisonment of not less than 15 years, but not more than 20 years”.

In October 2004, 4 UN Special Rapporteurs (on Freedom of Religion or Belief; on the Independence of Judges and Lawyers; on Extrajudicial, Summary or Arbitrary Executions; and on Torture) sent a joint urgent appeal to the Chinese Government in relation to Trulku Tenzin Delek’s case. In a

## **Prisoners of Tibet**

### *2006 Special Report*

report by the UN Special Rapporteur of the Commission on Human Rights on freedom of religion or belief,<sup>45</sup> the Chinese authorities were denounced for failing to uphold the international standards of fair trials in the case. The failings included “serious procedural flaws during the closed trial; violation of the right to choose his own lawyer; denial of the right to know and have opportunity to examine the evidence presented against him in court”. The report also expressed concern for Trulku Tenzin Delek’s mental and physical integrity in light of his incommunicado detention and reports of his torture.

In a resolution passed on 27 October 2005 in Strasbourg, France, the European Parliament (EP) urged the People’s Republic of China (PRC) to release Trulku Tenzin Delek immediately. It stated that the EP is “deeply concerned about the state of health of Tenzin Delek Rinpoche” and called upon “the responsible authorities to take all possible steps to improve the living conditions and state of health of Tenzin Delek Rinpoche.”<sup>46</sup> The resolution also urged the Chinese government to cancel all sentences against Tenzin Delek Rinpoche and to release him immediately, and demanded the Chinese government to allow the UN Special Rapporteur on Torture to visit him and report on his state of health during his scheduled visit to Tibet and China in the end of November 2005; as well as calling upon the government of PRC “to step up the ongoing dialogue with the representatives of the Dalai Lama so as to reach a mutually acceptable solution to the Tibet issue without further delay”; and regretting the lack of concrete results in the EU-China Human Rights Dialogue seminar held between 20-21 June 2005. The EP called upon the PRC “to improve the inhuman conditions of imprisonment in jails, to abolish torture of detainees, to stop the continued violation of the human rights of the Tibetan people and other minorities, and to ensure that it respects international standards of human rights and humanitarian law.”

There has been no recent information in relation to the health of Trulku Tenzin Delek which remains a matter of great concern.

The cases of Trulku Tenzin Delek and Lobsang Dhondup, including the arbitrary nature of their arrests; the lack of adequate and concrete evidence for their convictions; the absence of the presumption of innocence; the use of coercive interrogation and torture on the accused; the denial of visitation rights and the rights of their families to be informed of their arrests; the

denial of adequate legal defence of their own choosing; their closed and unfair initial trial; the arbitrary arrest and sentencing of relatives of the accused; Lobsang Dhondup's swift execution; and Trulku Tenzin Delek's unfair re-trial, perfectly demonstrate China's total disregard for the fundamental human rights of Tibetans and international law, as well as its own domestic laws and prompted international outcry regarding China's fair trial standards.

The Beijing authorities fear a nexus between the Dalai Lama and Tibetan Buddhism and political activism in Tibet. In that context, Beijing has employed every effort to transform Tibetans' hearts and minds for decades and this has been met with stubborn resistance and defiance. China's ploys to eliminate Tibetan Buddhism and the influence of the Dalai Lama have ranged from the virtual extinction of Tibet's religious institutions between 1949 and 1979; to the "patriotic re-education" campaign launched since 1996; to the crusade to vilify the Dalai Lama which has been officially endorsed since 1994; to targeting influential religious figures within Tibet such as Trulku Tenzin Delek, the late Khenpo Jigme Phuntsok, recently released Geshe Sonam Phuntsok, Chadrel Rinpoche, and XIth Panchen Lama, Gedhun Choekyi Nyima.

In the wake of China's fear over the Dalai Lama's alleged influence in inspiring nationalism amongst Tibetan Buddhists, popular religious figures inside Tibet have come under close scrutiny and suspicion in recent years. Several of Tibet's leading lamas have faced insurmountable obstacles and persecution from the Chinese authorities over their alleged links to "splittist" activities and their loyalty to the Dalai Lama. The arrest and sentencing of Trulku Tenzin Delek suggests that charismatic and influential religious leaders in Tibet are perceived as a threat to the authorities due to their ability to gain the respect and trust of the Tibetan population.

**Lobsang Tenphen** a.k.a Taphel was born in 1965 in Zhampa Township, Lithang County, Kardze "TAP" Sichuan Province. Early in life, he assisted his family with farming and did not receive an education. At 19, he started a small business trading Yartsa Gunbu (a Tibetan medicinal plant, botanical name: *cordyceps sinensis*) and animal hides. At 25, he married Sonam Dolma, niece of Trulku Tenzin Delek and lived in his



## **Prisoners of Tibet**

### *2006 Special Report*

wife's home. The family consisted of 9 members. In 1995, Lobsang Tenphen's brother, Dhak Lobsang, was detained in the County PSB Detention Centre on suspicion of distributing pamphlets and fly-posting pro-independence slogans. Lobsang Tenphen had a serious argument with PSB officials when he defended his brother's non-involvement and innocence. In fury, he spat outside the gate of the detention centre. The authorities later threatened Lobsang Tenphen's family that they should take care of him otherwise the authorities would "take care of him".

Trulku Tenzin Delek's arrest in 2002 led to a series of arrests. Unconfirmed reports indicated the arrest of at least 60-80 Tibetans. TCHRD has documented 13 known arrests. Lobsang Tenphen was among the last to be arrested in connection with Trulku Tenzin Delek's case.

On 12 February 2003, 6 PSB officers arrested Lobsang Tenphen at his home on suspicion of providing information about Trulku Tenzin Delek and Lobsang Dhondup to the outside world. Lobsang Tenphen's wife and her father strongly objected to his arrest and asked for the reasons of arrest. The officers assured the family that they had "some questions to ask and nothing would happen to him", saying "he will return very soon". However, Lobsang Tenphen never returned home. The family started to feel anxious about him. They approached Lithang County Security Department (*Ch: An-tsan-tsue*), Kardze Prefecture National Security Department and several other relevant offices, inquiring about his health and whereabouts, but to no avail. His family was very worried about the situation. Some of the family members started questioning whether he was still alive, believing that he may have died as a result of heavy beatings and tortures, which are common during incarceration in detention centres and prisons in Tibet. The authorities' repeated refusal to provide any information on his whereabouts only heightened their apprehension.

In September 2003, after being detained for 7 months, Lobsang Tenphen was seen again when he was produced before the Kardze Intermediate People's Court. It was learnt that he had been detained in Yakra Phuk Prison (*Tib translit: gyag ra phuk*), Dartsedo County. Following a summary trial, Kardze Intermediate People's Court sentenced him to 5 years' imprisonment for providing information regarding Trulku Tenzin Delek and Lobsang Dhondup to the outside world. He was transferred to Ngaba (*Ch: Aba*) Prison in Sichuan Province. Just weeks after the sentencing, 5 of

*Profile of Current Known Political Prisoners*

his relatives, including his wife, paid a visit to Ngaba Prison. They were allowed to see him for a half an hour. It is reported that Lobsang Tenphen had become weak and frail. Bruises and other marks were visible on his arms. It is feared that he was tortured and maltreated in the prison.

**Luzi Tashi Phuntsok**, 42, born in Othok Village, Nyakchuka County, Kardze “TAP”, Sichuan Province, was the disciplinarian of Jamyang Choeckorling Monastery, popularly known as Othok Monastery, and shouldered many responsibilities at the monastery, including conducting prayer ceremonies and organizing festivals.

In 1993, he protested vehemently against the Chinese authorities’ deforestation drive in his local area. It is said that Chinese authorities targeted Trulku Tenzin Delek (see above) as a result of his popularity and cultural preservation work in Tibet. Locals protested against Trulku Tenzin Delek’s arrest through petitions and fund raising activities. Luzi Tashi phuntsok was among a group who went to County, Provincial and Beijing authorities to seek justice on behalf of trulku Tenzin Delek. In the wake of the Trulku Tenzin Delek case, Chinese officers arrested many Tibetans who showed their support for him. Unconfirmed reports indicate that as many as 60-80 Tibetans were detained, with some being released after 10-20 days or 2 or 3 months and theres remaining in detention to date. Luzi Tashi Phuntsok was one of those arrested.

He was arrested on 17 April 2002 at his monastery and detained in Nyakchuka County PSB Detention Centre for a day. He was later transferred to Yakra Phuk (*Tib translit: gyag ra phuk*) Prison. At the end of November 2002, Kardze People’s Intermediate Court sentenced him to 7 years’ imprisonment on alleged charges of colluding with Trulku Tenzin Delek.

At the time of his arrest, Luzi Tashi Phuntsok was suffering from tuberculosis. Owing to ill treatment and lack of proper medical attention, his health deteriorated while he was in prison. He was briefly released on bail 28 July 2003 to tend to his disease; however, it was later learnt that he was unable to pay the amount required for bail and Nyakchukha County PSB refused to accept responsibility for his release in the county. He was therefore taken back into custody and remains imprisoned. It has also been reported that Luzi Tashi Phuntsok was released on 6 January 2005 and was described as

## **Prisoners of Tibet**

### *2006 Special Report*

a “broken man”. TCHRD, however, understands that he remains a political prisoner.

In May 2002, the UN Special Rapporteur of the Commission on Human rights on freedom of religion and belief communicated with the Chinese Government concerning the case of Trulku Tenzin Delek and related cases. The Chinese Government submitted a response stating:

On 20 August, the procuratorial authorities instituted criminal proceedings against the defendant Tenzin Delek Rinpoche with the Intermediate People’s Court of the Ganzi Tibetan Autonomous Prefecture, for the crimes of fomenting separatism and causing an explosion and against defendant Phondup (Lobsang Dhondup) for fomenting separatism, causing an explosion and the unlawful possession of firearms and ammunition.

**Tsering Dhondup**, 32, from Chema Township, Phenpo Lhundrup County, “TAR”, a monk at Sera Monastery in Lhasa, “TAR” was arrested in early July 2005 by Lhasa PSB.<sup>47</sup> Tsering Dhondup is said to have been detained at Gutsa Detention Centre. Tsering Dhondup was arrested on suspicion of carrying out political activities. The PSB alleged that he distributed “pro-independence” leaflets. His alleged offences include writing a “request for prayer” mentioning the Dalai Lama, and possessing and distributing documents critical of China’s rule over traditionally Tibetan areas and supportive of Tibetan independence. The disciplinarian who read the request for prayer aloud, Changchup Gyaltzen, was expelled from Sera monastery.

It is understood that Tsering disappeared suddenly from Sera Monastery and panic-stricken family members, friends and the monastery began a search for him. The monastery administration sent teams of monks to search for him in Lhasa but to no avail. About 13 days later, Lhasa PSB called the monastery administration and informed them that Tsering Dhondup was in their custody. Family members and monks later went to visit him in the detention center; however, the authorities prevented them from meeting him. They allowed the visitors to leave some clothing for him but did not allow them to leave food or see him. No further information is known. Other instances of arrest, between the 5 and 9 May 2005, include 8 monks from Sera Monastery and 13 nuns from Shugseb Nunnery. Their whereabouts are currently unknown.

Tsetan Gyatso and Tyugi (also known as Topgyal) were arrested by the Chinese police in July 2001 and May 2001 respectively on charges of “espionage and separatism”, as first revealed by *Xinhua*, the official Chinese news agency. Tsetan Gyatso was sentenced to 8 years’ imprisonment, while there is no information in relation to Tyugi. *Xinhua* said that the “stated mission of one was to set himself ablaze” in Lhasa as an act of protest against the Chinese rule and that of the other was to “videotape the whole self-immolation incident”. Both had been to India and were suspected of being spies for the Dalai Lama “trained by guards in the Dalai Lama’s government”. The Tibetan Government-In-Exile has strongly denied these allegations on the grounds that a self-immolating act is contrary to the basic Buddhist principle of non-violence, and says that the accusation that the 2 were spies is baseless and just another example of China’s Dalai Lama denunciation campaign. Furthermore, the Tibetan Government-In-Exile and other monitoring agencies question the timing of the revelation, in the wake of China’s celebration of the 50th anniversary of the so-called liberation of Tibet in May 2001.

It is well-known that Tibetan exile returnees face a greater risk of being charged with illicit “espionage activities for the western forces and the Dalai clique”. They are often accused of “suspicious activities” and this can result in heavy prisons sentences for “endangering state security”.

**Yeshe Jinpa**<sup>48</sup> (lay name: Pema Sandup), born in 1975 in the Kimshi Township, Gongkar County, Lhokha Prefecture, “TAR”, is from a farming family. He went to a local school for 3 years and, in 1989, joined Sungrabling Monastery. In June 1997, a “work team” entered the monastery with the purpose of reforming the monks there through the “Patriotic Education Campaign”. Yeshe Jinpa and other monks secretly fly-posted posters in the vicinity of the monastery in order to protest against this. PSB officers conducted interrogations of all the suspected monks. Yeshe and 4 other monks were discovered to be the offenders. On 27 June 1997, PSB officials went to the monastery to arrest the monks but the local residents blocked their way. The local Tibetans put up a stiff resistance and defied every warning from the PSB with the result that the PSB retreated.

The following night, PSB officials accompanied by PAP arrived in the town and posted PAP officers in front of every house. When people woke up in

## **Prisoners of Tibet**

### *2006 Special Report*

the morning, they were startled to see so many armed police in their town. PSB officers then easily advanced towards the monastery and arrested Yeshe Jinpa and four other monks: Tsultrim Sherab (26), Ngawang Lamchen (27), Buchung Dawa (26), and Tsultrim Topgyal (28). All of the arrestees were taken to Tsethang Detention Centre and detained for 6 months, during which they were interrogated and severely beaten.

In December 1997, Lhokha Prefecture Intermediate Court sentenced the 5 monks to various prison terms. Yeshe Jinpa was sentenced to 6 years' imprisonment, Tsultrim Sherab was sentenced to 3 years' imprisonment, Buchung Dawa was sentenced to 4 years' imprisonment, Tsultrim Topgyal was sentenced to 6 years' imprisonment, and Ngawang Lamchen was sentenced to 4 years' imprisonment. In January 1998, all were transferred to Drapchi Prison.

When a subsequent protest broke out in Drapchi Prison on 4 May 1998, Yeshe Jinpa was one of those who defiantly protested. The prison authorities beat him mercilessly and later transferred him to the criminal prisoners unit where he was thoroughly interrogated. In August 1998, he and the other prisoners who were taken to the criminal prisoner unit were brought back to their original unit. Later in the month, the prison authorities submitted the case to the Lhasa Intermediate Court. In closed proceedings in October 1998, the court handed down sentence extensions to 27 prison inmates. Yeshe received a 5 year sentence extension, taking his cumulative sentence to 11 years.

Some of those who protested along with Yeshe Jinpa were later freed upon completion of their terms; however, Tsultrim Topgyal died soon after his release due to injuries inflicted during the beatings he suffered in Drapchi Prison.

Yeshe Jinpa is known to be in poor health due to the ill treatment he has suffered in prison. He will be released in 2007 if his sentence is not further extended.

**Yiwang**, a middle school student from Kardze, was detained for "writing leaflets" along with 5 others in June 2006.<sup>49</sup> Before her arrest, Yiwang was studying at Kardze Middle School. Born in 1990, she studied at the primary

school of Lopa Township, graduated from Kardze Tsezur School, and was studying at Kardze Middle School at the time of her arrest.

On 3 September 2006, a **23-year old monk** held a lone demonstration for independence on Barkhor Street in Lhasa. The demonstration lasted only minutes before he was detained by PSB officials and security personnel. There is no more information available regarding his detention or identity, although there are reports that he is from Nechung Village, Toelung Dechen County, “TAR” and was expelled from the Takdrak Monastery 8 years ago on political grounds.<sup>50</sup>

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## **Prisoners of Tibet**

### *2006 Special Report*

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*Profile of Current Known Political Prisoners*

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