

URGENT ACTION

TORTURE FEARS FOR TIBETAN PRISONER

Jigme Gyatso, a Tibetan prisoner of conscience and former monk, is suspected to be seriously ill as a result of torture and ill-treatment in custody in Qushui prison in the outskirts of Lhasa (in Chinese: Lasa) in the Tibet Autonomous Region, China.

Jigme Gyatso was detained in 1996 for his activities in support of Tibetan independence, including setting up a group called the "Association of Tibetan Freedom Movement" and distributing pro-independence leaflets. He was sentenced to 15 years' imprisonment in November 1996 as a "counter-revolutionary ringleader". He has been isolated from other prisoners and was denied visitors for a few months before being allowed one at the end of 2010.

He has been tortured or otherwise ill-treated on several occasions. For the first six months of his detention he was kept in an "interrogation cell" and tortured. In 1997, he was beaten so badly that he could barely walk afterwards. In May 1998, he was among a group of prisoners in Drapchi prison who began shouting pro-Dalai Lama slogans, prompting a violent response from prison staff, resulting in nine dead. Jigme Gyatso was beaten. The protest coincided with a European Union delegation visit to the prison. Jigme Gyatso was also hospitalized in 2009.

In November 2005 Jigme Gyatso met with the UN Special Rapporteur on Torture, during the Rapporteur's mission to China. Following their meeting, he was reportedly held in isolation and then hospitalized for several weeks.

The UN Special Rapporteur on Torture has appealed to the Chinese authorities for Jigme Gyatso's release. The UN Working Group on Arbitrary Detention has stated that his detention was arbitrary and violated his rights to freedom of expression, association and assembly.

In May 2004, Jigme Gyatso was beaten, including with electric batons, for having shouted pro-Dalai Lama slogans and given an additional three-year sentence for "inciting separatism". He is due to be released in March 2014.

PLEASE WRITE IMMEDIATELY in English, Chinese or your own language:

- Urging the authorities to immediately and unconditionally release Jigme Gyatso, who has been detained solely for peacefully exercising his rights to freedom of expression, association and assembly
- Urging the authorities to order a full and impartial investigation into allegations that Jigme Gyatso has been tortured, with a view to bringing those responsible to justice, and demanding a guarantee that he will not be tortured or otherwise ill-treated while he remains in custody
- Urging the authorities to guarantee that he has access to any medical care he may require, legal representation of his choosing and family.

PLEASE SEND APPEALS BEFORE 21 FEBRUARY 2011 TO:

Qushui Prison Governor

Jianyuzhang
Qushui prison
Qushui county
Lasashi, Xizang Zizhiqu
Salutation: Dear Prison Governor

Chief Procurator of the Tibet
Autonomous Regional People's
Procuratorate
ZHANG Peizhong Jianchazhang
Xizang Zizhiqu Renmin Jianchayuan
Lasashi, Xizang Zizhiqu
People's Republic of China
Salutation: Dear Procurator

And copies to:

Chairman of the Tibet Autonomous
Regional People's Government
Padma CHOLING Zhuren
Xizang Zizhiqu Renmin Zhengfu
1 Kang'angdonglu
Lasashi 850000, Xizang Zizhiqu
People's Republic of China
Fax: +86 891 6335168
Salutation: Dear Chairman

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Torture and other ill-treatment remain endemic in places of detention in China, even though China ratified the UN Convention against Torture in 1988. Amnesty International receives regular reports of deaths in custody, many of them caused by torture, in a variety of state institutions, including prisons, Re-education Through Labour facilities and police detention centres.

The broad discretion given to the police by the Criminal Procedure Law (CPL) to detain suspects for long periods before trial increases opportunities for torture and other ill-treatment. During this time detainees' access to their families and legal representatives may be limited.

Under the CPL, the police should tell detainees' families that they have been detained or arrested, and where they are held, within 24 hours, except where it "would hinder the investigation" (Articles 64 and 71). However, in practice communication with the family is frequently denied until detainees are brought to trial or sentenced. Provisions on access to legal counsel also fall short of international standards.

The authorities have passed numerous regulations intended to strengthen the formal prohibition of torture stipulated in China's Criminal Law. However, the categories of prohibited behaviour are limited, and do not comply fully with definitions of torture under international law, including, for instance, behaviour causing mental torture.

New regulations effective from 1 July 2010 and jointly issued by the SPC, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, aim to strengthen prohibitions against the use of illegal evidence in criminal cases, including coerced confessions and other evidence obtained through torture and other ill-treatment, particularly in death penalty cases. However, China's Criminal Procedure Law has still not been amended to explicitly prohibit the use of confessions obtained through torture or other ill-treatment as evidence before the courts.

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