

# TABLE OF CONTENTS

1.	Introduction .....	1
2.	Prisoners of conscience and political prisoners .....	2
	2.1 "Reform through labour" .....	2
	2.2 Administrative detention .....	4
3.	Torture, ill-treatment and deaths of detainees or former detainees .....	5
	3.1 Reports of torture and ill-treatment of prisoners .....	7
	3.2 Reports of deaths of detainees and former detainees .....	9
	3.3 Reports of extra-judicial executions .....	10
4.	Unfair trials .....	10
5.	The death penalty .....	12



# PEOPLE'S REPUBLIC OF CHINA

## Amnesty International's concerns in Tibet

### 1. Introduction

This document summarizes Amnesty International's concerns about human rights violations in the Tibet Autonomous Region and other Tibetan autonomous areas of the People's Republic of China (PRC).

Violations of human rights of concern to Amnesty International in Tibet include the imprisonment of prisoners of conscience and of other political prisoners after unfair trials, torture and ill-treatment of detainees, the use of the death penalty and extra-judicial executions. Constitutional and legal provisions in Tibet restrict the exercise of basic freedoms and lack human rights safeguards consistent with international standards.

Amnesty International is an international non-governmental organization which seeks the release of prisoners of conscience,<sup>1</sup> advocates fair and prompt trials for all political prisoners and prisoners threatened with the death penalty; opposes the death penalty, torture and other cruel, inhuman or degrading treatment or punishment of prisoners, "disappearances" and extra-judicial executions. As part of its work, Amnesty International supports and publicizes the activities of international organizations which work to secure the observance of the Universal Declaration of Human Rights.

Over four years after the start of a series of demonstrations and other activities by Tibetans advocating independence from China, the authorities of the PRC in the Tibet Autonomous Region and in Beijing continue to maintain strict controls on information regarding human rights in Tibet and have apparently refrained from bringing to justice those responsible for human rights violations. The authorities have never replied to Amnesty International's appeals and enquiries about human rights violations such as those reported in this document.<sup>2</sup> The Chinese Foreign Ministry has rejected as "entirely illegal, null and void,

---

<sup>1</sup> Prisoners of conscience are people imprisoned, detained or otherwise physically restricted by reason of their non-violent political, religious or other conscientiously held beliefs or on account of their ethnic origin, sex, colour or language.

<sup>2</sup> Amnesty International has reported human rights violations in Tibet in recent documents, including: *People's Republic of China: Recent Reports on Political Prisoners and Prisoners of Conscience in Tibet*, AI Index ASA 17/62/91, published in October 1991; *People's Republic of China (Tibet Autonomous Region): One Year Under Martial Law; An Update on the Human Rights Situation*, AI Index ASA 17/10/90, published in March 1990; *People's Republic of China: Torture and Ill-Treatment in Detention of Tibetans*, AI Index ASA 17/04/89 published in February 1989 and *People's Republic of China: Torture and Ill-Treatment*, AI Index ASA 17/18/90 published in April 1990.

and absolutely unacceptable to the Chinese government" the Resolution 1991/10 on the "situation in Tibet" adopted on 23 August 1991 by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. The resolution expressed concern at "continuing reports of violations of fundamental human rights and freedoms which threaten the distinct cultural, religious and national identity of the Tibetan people", called upon the Chinese government to "respect the fundamental rights and freedoms of the Tibetan people" and requested the UN Secretary-General to transmit to the Commission on Human Rights information on the situation in Tibet.

## 2. Prisoners of conscience and political prisoners

### 2.1 *"Reform through labour"*

Over 100 prisoners of conscience are currently known to be held in Tibet: they include Buddhist monks and nuns held for peacefully advocating Tibet's independence from China and lay Tibetans reported to have expressed support for Tibetan independence or to have been found in possession of clandestine documents, political literature, Tibetan nationalist flags or non-public information. Some of them have been sentenced to "reform through labour" after trials which fell far short of international standards for fairness. Others have been given terms of administrative detention (known as "re-education through labour") without formal charge or trial (see below, section 2.2).

Buddhist monks and nuns accused of advocating Tibetan independence are among those serving sentences of "reform through labour". Five monks from Ding-gar, a Tibetan Buddhist monastery in Toelung Dechen, near Lhasa, capital of the Tibet Autonomous Region, were reportedly detained on the afternoon of 17 March 1991 while attempting to unfurl a Tibetan flag at the start of a demonstration on the Barkor, a circular pilgrimage path in central Lhasa. According to eyewitness accounts, the five monks were detained when they started to shout slogans in favour of Tibetan independence from China.

The five monks were first detained in Lhasa's Gutsa Detention Centre. In August 1991, there were reports that they had been tried and sentenced and were serving prison sentences in Drapchi Prison. They are: Ngawang Zoepa, aged 28, from Doe, Damshung region, reportedly serving a six-year sentence; Kelsang Gyaltzen, aged 25, reportedly serving a five-year sentence; Ngawang Tsondrue, aged 26, reportedly serving a four-year sentence; Ngawang Legshe, aged 22, reportedly serving a four-year sentence; and Ngawang Namgyal, aged 22, from Damshung, reportedly serving a three-year sentence.

Other Tibetans accused of circulating leaflets advocating Tibetan independence are also serving terms of "reform through labour". They include Thupten Tsering and Tseten Norgyal, who were detained in March or April 1989 on suspicion of involvement in activities in favour of Tibetan independence. They were formally arrested in November 1989.

It appears from the indictment brought against Tseten Norgyal and Thupten Tsering in February 1991 that they were principally accused of having helped circulate leaflets advocating Tibetan independence. There were no allegations that they advocated or engaged in violence. Tseten Norgyal was reportedly sentenced to four years' imprisonment and Thupten Tsering received a five year sentence.

A Tibetan who attempted to gather information about people detained in connection with advocacy of Tibetan independence was himself detained, charged with espionage and sentenced to 13 years' imprisonment at a trial in December 1990. Jampa Ngodrup, a medical doctor at the Lhasa City Barkor Clinic, was accused of having "with counter-revolutionary aims, collected lists of people detained in the disturbances [the activities in favour of Tibetan independence carried out by Tibetans in Lhasa in 1988] and passed them on to others, thus undermining the legal system and violating the [laws of] secrecy", according to the court verdict on his case. Jampa Ngodrup was detained on 20 October 1989 and formally arrested on 13 August 1990. He was tried and sentenced on 24 December 1990.

Jampel Changchub and Ngawang Phulchung were among ten monks from Drepung monastery who were tried and sentenced by the Lhasa Intermediate People's Court on 30 November 1989 to terms of imprisonment ranging from five to 19 years for "counter-revolutionary" offences, including alleged "acts of espionage", related to their advocacy of Tibetan independence.

Jampel Changchub and Ngawang Phulchung both received 19-year prison sentences. With their co-defendants, they were accused of having formed a clandestine group in January 1989 and of producing leaflets and handbills which were critical of the Chinese government. On 30 November 1989 the official *Radio Lhasa* broadcast a statement about Ngawang Phulchung and the group of Drepung monastery monks:

*"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. Deliberately planning to form counter-revolutionary organisations, putting up posters, spreading rumours and collecting information, they frenziedly conducted criminal activities to split the motherland.."*

*"Ngawang Phulchung and the other criminals were formerly lamas, but they took an active part in the counter-revolutionary criminal activities of splitting the motherland. They thoroughly betrayed the religious doctrines and canons of Buddhism by their actions..."*

Among the documents that the group was accused of printing was a Tibetan translation of the Universal Declaration of Human Rights. The other documents they published included reports on recent dissident activity in Tibet and on Tibetans shot and killed by police at a pro-independence demonstration; reports about support abroad for Tibetan pro-independence activists; and a document produced by the group itself, entitled *The Meaning of the Precious Democratic Constitution of Tibet*.

## 2.2 *Administrative detention*

More than 200 political prisoners, including dozens of prisoners of conscience, were reportedly being detained in Tibet in December 1991 on suspicion of taking part in activities in favour of Tibetan independence from China. Many appeared to have been detained without charge or trial under regulations which provide for the imposition by administrative authorities of terms of "re-education through labour" for periods of up to four years.

"Re-education through labour" is a punishment imposed by administrative authorities upon the request of the police. Those sentenced to "re-education through labour" are not formally charged or tried, nor do they have any opportunity to present an effective defence or appeal against the allegations which led to their imprisonment.

According to official reports, 97 Tibetans, including many young nuns, were sentenced without trial to "re-education through labour" between September 1987 and 1991. Some juvenile prisoners, arrested for peaceful political activities, are reported by unofficial sources to have been imprisoned together with adult prisoners; they include a 14 year-old boy who was reported in 1990 to be held at Drapchi Prison in Lhasa. Other children were held in Gutsa Detention Centre, including a girl who was only 12 years old when she was detained for several months in 1989 and reportedly ill-treated (see below, p. 9).

People currently reported to be serving terms of administrative detention include Kelsang Phuntsog, 21 years old, from Lhunkhang Dongtso in Nyemo County, a wood-block printer and monk at Sera Monastery. He was reportedly detained while distributing leaflets on the Barkor pilgrimage path in Lhasa, on 4 August 1991. He was reportedly held for one night in the Barkor police station then sent to Gutsa Detention Centre. The leaflets reportedly contained slogans calling for Tibetan independence, for "the Chinese" to leave Tibet and for human rights for the Tibetan people.

Buddhist nuns have also been given terms of administrative detention for allegedly taking part in unauthorized demonstrations in favour of Tibetan independence. Kelsang Wangmo (lay name: Pedchoe), aged 21, from Nyethang, and Tenzin Choekyi, aged 20, from Chusul, were detained for demonstrating on 14 October 1989. Each was given three-year terms of "re-education through labour", according to a report published in the official *Tibet Daily* newspaper on 18 October 1989. Kunchog Drolma, aged 29, from

Lhokha, and Choenyi Lhamo, aged 19, from Nyemo, both nuns from Chubsang Nunnery, were each given three-year terms of "re-education through labour" on 23 September 1989 for allegedly taking part in a demonstration on 22 September 1989, according to a report published in the *Tibet Daily* on 25 September 1989.

Ama Phurbu, a 59 year-old small trader from Barkor Garu Shar in Lhasa, was reportedly detained on 10 October 1989 after her home was searched by the police and leaflets on Tibetan independence were found. She had allegedly taken part in public prayers on the Barkor pilgrimage path in 1989 in memory of demonstrators killed by the police. Ama Phurbu is now reportedly serving a three-year term of "re-education through labour" in Gutsa Detention Centre.

Lobsang Tashi, a 38 year-old Buddhist monk, who was reportedly detained in late 1989 or early 1990, was reported in late July 1991 to be awaiting administrative punishment or criminal sentencing in Chamdo, a district seat in the Tibet Autonomous Region, according to Tibetans who reached Nepal from Tibet in August 1991. Lobsang Tashi was a monk at Zitho monastery near Chamdo when he was reportedly detained for distributing and displaying leaflets containing calls for Tibet to become independent of China.

### **3. Torture, ill-treatment and deaths of detainees or former detainees**

Consistent reports, including testimonies by former detainees and relatives of detainees who left Tibet illegally, indicate that people held in police stations and detainees in prisons and detention centres in the Tibet Autonomous Region have been systematically tortured and ill-treated.

The methods of torture most commonly reported include beatings, shocks with electric batons on the genitals, the soles of the feet or in the mouth and the use of handcuffs, shackles or ropes to secure prisoners in positions deliberately intended to inflict pain. Deprivation of sleep or food, exposure to cold and being made to adopt exhausting physical postures are also reported to be common during interrogation.

Cases of death in custody have been reported in the past three years, as well as deaths of former detainees within weeks of their release. Some of these deaths were reportedly related to ill-treatment and lack of medical care in detention.

The Criminal Law of the PRC stipulates that it is "strictly forbidden to extort a confession by torture" (*yanjin xingxun bigong*, Article 136). It provides for imprisonment for

up to three years, more if the victim suffers injury.<sup>3</sup> The Criminal Procedure Law repeats the prohibition of "extortion of confessions by torture" or by "other unlawful means". The *Regulations on Detention Centres*, which came into force in March 1990, provide that "beating and verbal abuse, corporal punishment" and "maltreatment" (*nüeda*) of "offenders" are "strictly forbidden" (Article 4).

Chinese representatives at the United Nations stated to the Committee Against Torture in 1990 that since China became a party to it in 1988, the provisions of the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment have automatically acquired legal force in China, so there has been no need for special enabling legislation to bring its provisions into effect. However, the language of the Convention Against Torture differs from that of the Criminal Law and other Chinese regulations. The word "torture" (*kuxing*), as defined in the Convention Against Torture, is of much wider scope than "extortion of confession by torture", which is an offence under the criminal law of the PRC. Apart from Article 4 of the *Regulations on Detention Centres*, there are no specific provisions in the PRC's domestic legislation prohibiting acts of torture or ill-treatment of prisoners other than that relating to "extortion of confession by torture".

China submitted its first report on its implementation of the UN Convention Against Torture in December 1989. The Committee Against Torture examined the report in April 1990; its chairman noted that the Committee had received "information concerning allegations of torture in China, particularly in Tibet, from non-governmental organizations and also by the Special Rapporteur [on Torture] of the [UN] Commission on Human Rights. Those allegations of torture were numerous and mutually corroborative: torture did not seem an isolated phenomenon."<sup>4</sup>

China's report did not address allegations that torture had occurred in Tibet. Members of the Committee noted that "many of their questions had remained largely unanswered"<sup>5</sup>. The Committee asked the Chinese delegation to send an additional report addressing the Committee's concerns before the end of 1990. China has not responded to this request and no supplementary report had been submitted by December 1991.

### 3.1 *Reports of torture and ill-treatment of prisoners*

---

<sup>3</sup> When "extortion of a confession by torture" causes injury, it is punishable in accordance with Article 134 of the Criminal Law, which provide for fixed-term imprisonment of up to seven years in cases of "serious injury", and for a minimum of seven years in the case of the victim's death.

<sup>4</sup> See Committee Against Torture, *Summary Record of the 50th Meeting*, 23 May 1990, p. 11.

<sup>5</sup> See *Committee against Torture Considers Report of China*, UN Information Service press release HR 2582, 27 April 1990.

Incommunicado detention, arbitrary detention without charge or trial for long periods, and administrative detention imposed without judicial supervision all provide circumstances in which torture often occurs. In Tibet, torture and ill-treatment occur as a result of the widespread practice of trying to obtain confessions from detainees before they are prosecuted, to intimidate them in order to force them to provide information about others.

Sonam Dolkar, a 24 year-old woman from Lhasa, was detained on 29 July 1990 by about 20 policemen who also searched her house because they suspected her of taking part in pro-independence activities. She was first taken to Lhasa's eastern police station, then transferred on 30 July to Seitru Detention Centre, where her interrogation took place. She escaped in May 1991 from a hospital to which she had been taken in February.

After Sonam Dolkar had left Tibet clandestinely, she was interviewed outside the PRC: she said that she had been regularly tortured over a six-month period while held incommunicado in a cell in Seitru Detention Centre in Lhasa. She said her interrogators had given her electric shocks to her body, until she became unconscious. She said also that an electric police baton had been inserted into her vagina by her interrogators and that a large scar on her chest was caused when she was kicked by a guard. She said that she was tortured every second day for some months and kept in manacles and feet shackles throughout her detention.

According to her testimony, Sonam Dolkar was held without charge or trial for about ten months, from 30 July 1990 to about May 1991, in Seitru Detention Centre in a bare, windowless cell which she believed was underground. She said that she had never seen any other detainees, that food was insufficient and of poor quality and that she had had to sleep on the concrete floor of her cell, even during the cold winter months. She said that her health had declined but that medical care was virtually non-existent, although the use of electricity to torture her stopped after a doctor examined her after about six months of her detention. She was not brought to trial nor given access to anyone outside the detention centre during her imprisonment.

In another case, a teenage girl from Lhasa whose name is being withheld to protect her and her family, was detained for over four months in 1989 for taking part in a demonstration in which groups of teenagers used slings to throw stones at members of the military police force in Lhasa. She was reportedly held, along with other young people, in Sangyip Detention Centre in Lhasa. She was allegedly ill-treated while undergoing interrogation at the detention centre on or shortly after 8 March 1989. She was reportedly kicked on the head and the body by four or five armed police officials and received electric shocks inflicted with an electric baton while lying on the floor. She could not remember subsequent events for a few days but about three days after her first beating, she found that her left leg had become lame.

The teenage girl was subsequently sent to a hospital for treatment of her leg injury. Two weeks later, after she had been released from the hospital and taken back to the detention centre, she was enrolled in a team of about 15 women detainees who were put to work, including cleaning excrements from waste pits.

She was apparently subject to further interrogation every four to seven days, and was sometimes beaten during interrogation. Since her release in 1989, she continues to suffer from lameness in her left leg and right arm as a result of beatings inflicted on her in detention.

Tsering Dhundrup, a 26 year-old woodcarver, was reportedly first detained in December 1988 for making woodblocks inscribed with slogans in favour of Tibetan independence. He was held in Utridu Detention Centre in Lhasa, where he was reportedly made to stand barefoot in cold weather on an outdoor concrete platform while guards poured water on his feet. When he was allowed to move his feet, some skin remained stuck onto the ground.

Tsering Dhundrup was reportedly released after four months of detention without charge or trial. He was reportedly detained again around August 1990 and sentenced to seven years' imprisonment on unknown charges.

### 3.2 *Reports of deaths of detainees and former detainees*

A number of detainees in prisons and detention centres in the Tibet Autonomous Region are in recent years reported to have died in custody, or within weeks of their release, apparently as a result of ill-treatment or lack of medical care in detention.

Yeshe, a 25 year-old painter from Lhasa, reportedly died in hospital in late August 1989, days after he had been released from five months' detention following the imposition of martial law in Lhasa on 7 March 1989. His death was allegedly a result of ill-treatment while in detention.

Tsamla, a woman trader from Lhasa aged about 39, died in late August or early September 1991, about three months after her release from two and a half years in detention. According to reports received by Amnesty International her death resulted from ill-treatment and lack of medical care.

Tsamla had reportedly taken part in a number of pro-independence demonstrations in Lhasa in 1988 and is said to have been arrested and detained at Gutsa Detention Centre after a demonstration on 10 December 1988 (though another report had suggested that she was detained after a demonstration on 19 March 1989). She was held incommunicado for at least the first six weeks of her detention, during which time she is said to have been repeatedly beaten and kicked while undergoing interrogation. Her condition worsened over her months in detention, and in May or June 1991 she was reportedly taken to a clinic near Gutsa and then to the Lhasa People's Hospital, where exploratory surgery was apparently performed, finding that she had suffered a ruptured spleen. While in hospital, she was apparently told that she had been released and should go home. She died at home about three months later, apparently as a result of the injuries she sustained in custody.

Lhakpa Tsering, a 20 year-old Tibetan prisoner of conscience, died on 15 December 1990, apparently due to lack of adequate medical care while he was serving a sentence in Drapchi Prison.

Lhakpa Tsering's body was reportedly handed over to his family on 16 December 1990: his family asked for an inquest into his cause of death to be carried out. A post-mortem was then held at a burial ground, attended by a Tibetan doctor and an official from the local People's Procuratorate, but its results have not been made public.

In June 1991, Amnesty International received a detailed account of the circumstances preceding Lhakpa Tsering's death. The account, written by people close to the prisoner, indicates that Lhakpa Tsering was suffering from dysentery and was in extreme pain and unable to eat while in detention, and repeatedly appealed for medical assistance. However, prison doctors are said to have refused him proper medical care, including on at least three

occasions in the days preceding his death. In January 1991, Lhakpa Tsering's relatives were reportedly offered an *ex gratia* payment of 300 yuan, equivalent to about two months' salary, by the local government authorities as compensation for his death.

### 3.3 *Reports of extra-judicial executions*

Peaceful demonstrators advocating Tibetan independence were killed on various occasions in 1987, 1988 and 1989 when police and army units opened fire on them. In all, more than 60 people are said to have been killed in this way. Most of their identities are not known but the victims reportedly included two Tibetan monks who led a peaceful demonstration in Lhasa on 10 December 1988: they were apparently shot at close range by the security forces.

## 4. **Unfair trials**

Trial procedures in Tibet, as in the rest of the PRC, fall far short of international standards for fairness. Defendants' rights are severely restricted and the practice of deciding sentences before trials are even held -- a practice known as "verdict first, trial second" (*xian pan hou shen*) -- is widespread.

Procedures for trial established in Chinese law do not meet the minimum standards for fair trial set out in international human rights instruments -- notably the right to have adequate time and facilities to prepare one's defence, the right to be presumed innocent until proved guilty in a court of law, and the right to cross-examine prosecution witnesses and to call witnesses in one's defence.

The Criminal Procedure Law provides that court presidents, "when they consider it necessary", should submit "all major and difficult cases" for "discussion and decision" to the "adjudication committee" (a body set up in each court to supervise judicial work). This appears to empower court presidents to decide which cases should be examined by the adjudication committees. In practice, however, all cases are decided first, before trial, by the adjudication committees. Judgments may also be submitted for examination and approval before trial to Communist Party committees in charge of political-legal work. These committees also issue opinions to the courts which, in practice, constitute instructions as to the verdicts and sentences to be imposed.

Political detainees have commonly been denied access to relatives for long periods after being taken into custody. Access to a lawyer is only possible after detainees have been charged and are awaiting formal trial. Often, this does not occur until a day or two before the start of the trial. Amnesty International has received reports that Tibetans accused of political offences have been denied lawyer.

Lawyers who do try vigorously to pursue the defence of political prisoners face formidable obstacles and the threat of sanctions against themselves. An article in a Chinese legal magazine noted in 1988:

"Lawyers ... suffer interference in their work from party and government organs, especially from the organs of judicial administration. For example, some Justice Bureaus have a regulation that if a lawyer wishes to present a defence of 'not guilty' in a criminal case, then he must first obtain authorization from the party organization of the Justice Bureau in question."<sup>6</sup>

In political cases, the likelihood that defendants will receive a fair hearing is even more remote than in ordinary criminal cases: the outcome is usually a foregone conclusion. Most political trials are closed to the public with, at best, only the defendants' close relatives or members of their "work unit" allowed to attend. Pre-trial detention usually lasts several months. During that period, detainees have no access to a lawyer or their family, and it is common for them to be subjected to constant pressure aimed at extracting from them incriminating information and making them admit to the accusations against them. Furthermore, lawyers usually limit their role to one of mitigation.

These features applied in the cases of pro-democracy activists who were tried in Lhasa in 1990 and 1991, including Jampa Ngodrup and Tseten Norgyal and the Buddhist monks from Drepung monastery, whose cases are summarized above.

---

<sup>6</sup> *Faxue* (The Science of Law), No.2: 1988, Pages 43-45.

## 5. The death penalty

The death penalty remains in use in Tibet, as it is throughout the PRC. At least 13 prisoners have been sentenced to death in the Tibet Autonomous Region since 1990. At least six of them have reportedly been executed.

On 18 May 1990 Lhasa Television reported that three Tibetan prisoners held in Drapchi Prison had been sentenced to death on 17 May 1990 for allegedly planning to escape. A fourth participant in the alleged escape plan received an extended prison sentence. The death sentences were announced at a sentencing rally held by the Lhasa Intermediate People's Court within the prison compound, apparently in the presence of other prisoners.

The court indictment against Migmar Tashi and Dawa, the text of which was obtained by Amnesty International in September 1991, indicates that the prosecuting authorities emphasized the political character of the defendants' motives in allegedly planning to escape. They did not take into account the fact that no actual escape or attempted escape had taken place.

Under the Criminal Law, organizing a prison escape is not in itself a capital offence - it only becomes so when "the harm... is especially serious and the circumstances especially odious". Amnesty International is concerned that political considerations have played a major role in the sentencing to death of the two prisoners.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and a violation of the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.