



Submission for the 41st session of the UN Committee Against Torture

October 2008

Free Tibet welcomes the opportunity to submit information relevant to the “List of issues to be considered during the examination of the fourth periodic report of CHINA (CAT/C/CHN/4)”, issued by the Committee against Torture on 4 August 2008.

Much of the information submitted has been sourced by Tibet Watch, a research-based organisation which works in close collaboration with Free Tibet. Tibet Watch’s researchers speak to a range of contacts, collating and corroborating accounts (testimonies and eye-witness accounts) of human rights abuses in Tibet, including torture and arbitrary detention. Tibet Watch staff also collate and corroborate information and, where applicable, testimonies from new Tibetan refugee arrivals in Dharamsala, India. Other information submitted in reference to the CAT questions includes evidence sourced from official Chinese Government websites, which Tibet Watch staff monitor.

The majority of the names and locations of our sources have been withheld to protect their identity and security.

The information provided is not a full record of our archive. Instead the information is provided only where relevant.

As a result of the crackdown in response to the Tibet protests of March and April 2008 and official concerns about Tibetan protests during the Olympic Games, access to information emanating from Tibet has been severely restricted. For example, at certain times telephone communications (mobile and landline) have been blocked at both the national and international exchanges. Mobile telephones and laptops have been confiscated by Chinese authorities, further restricting means of communication including Skype (a secure web-based telecommunication channel).

This submission provides information relevant to the questions issued by the CAT to China on 4 August 2008.

In addition, based on the UN Special Rapporteur on Torture, Dr Manfred Nowak’s findings that Re-Education through Labour qualifies as “*a systematic form of inhuman and degrading treatment or punishment, if not torture*”, Free Tibet recommends that Patriotic Re-Education, widely practised through out Tibet, is similarly characterised.

¹ *Special Rapporteur on Torture, Highlights Challenges at End of Visit to China*, Press Release, 2 December 2005, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/0/677C1943FAA14D67C12570CB0034966D?opendocument>

Article 2 and effective measures to prevent torture

Article 2: According to information before the Committee, despite new laws and regulations adopted by the State party to prevent torture and ill-treatment, an array of mutually reinforcing conditions contribute to its continued pervasiveness in the criminal justice system.

Despite continued denials by the Chinese Government, torture continues to be endemic in Tibet. In response to the March 2008 protests, Chinese state officials responded with a disproportionate level of violence: scores of Tibetans were killed, detained and subjected to torture. The number of cases, the systematic employment of disproportionate force by security forces, and the generalised impunity exercised by state officials, illustrates that the incidences of torture detailed below cannot be dismissed as aberrant behaviour by individual members of the security forces but rather represent a concerted policy of the Chinese State in response to perceived opposition in Tibet.

Examples of Torture²

Nyichang³

Nyichang, a 38 year old Tibetan woman from Harama village, Ngaba county (Chinese: Aba county), Sichuan province, was arrested on 18 March 2008 for removing a signboard from the local Chinese administration's notice board during peaceful protests that took place on 16 and 17 March 2008 in Ngaba county. When she was released from prison nine days later, her body was covered in bruises from the beatings she had received. She could not speak. She could not eat without immediately vomiting. Her relatives tried to take her to hospital, but she was denied medical treatment. Her condition continued to deteriorate. The local authority refused to allow a monk, invited by her family, to pray for her. Nyichang died on 17 April 2008. She leaves behind four children, all under the age of 18.

Unnamed Tibetan Refugee

In January 2008 Tibet Watch interviewed a Tibetan man in Dharamsala, India, following his arrival from Tibet in December 2007. On a previous failed attempt to escape from Tibet, the man was arrested on the Tibet-Nepal border at the Nangpa-la Pass on 30 September 2006⁴ and taken back in to Tibet. He told Tibet Watch that he was imprisoned for five months following his arrest. During that time he was tortured:

² In 2005, the UN Special Rapporteur, stated that torture was "widespread" (*ibid*) in Tibet and China. Since Dr Nowak's visit, Tibet Watch has continued to receive witness testimonies of cases of degrading and inhumane treatment and torture. The two cases provided are for the purpose of illustration and are only an example of the information Tibet Watch has on file.

³ It is common for Tibetans to have, or be referred to by, only one name.

⁴ The man, who cannot be named, was one of the 70 Tibetans who were fired at by a People's Armed Police (PAP) unit at the Nangpa-La Pass on 30 September 2006. Western climbers filmed the troops firing into the crowd which led to the death of the 17 year old Tibetan nun, Kelsang Namtso. Free Tibet's full report on the Nangpa-la Pass shooting is available at: <http://www.freetibet.org/files/nangpa%20report.pdf>

[The] prison guards and officers put me in a separate room, and put on the handcuffs, and took my clothes off except my under wear, and tortured me by electricity, slapped me, hit me on the back of my chair, sometimes I really couldn't breathe in, and hanged me in the air for 6 or 7 hours, and put my head in water. Those days I could not lay on my bed properly, because of the wounds on my back, touching my back, it was very painful.

Article 2 (b): “Public statements confirmed that hundreds of persons were detained in connection with the unrest that followed the March 2008 demonstrations in the Tibetan Autonomous Region and neighbouring Tibetan prefectures and counties in Gansu, Sichuan, Qinghai provinces. Please provide a list of all persons detained in connection with these incidents, including their current location, convictions, etc.”

Tibet Watch has compiled a list of 299 Tibetans who, according to information from its sources inside Tibet, were detained between March 10 and May 20 2008. The names are listed in Appendices 1-9 of Tibet Watch’s log of protests from March to May 2008⁵. As a result of difficulties accessing information from Tibet since March 2008 their fate, including their physical location, is unknown.

It is important to note that public statements issued by official Chinese sources confirmed that *thousands* (and not hundreds as noted by the CAT statement above) of persons were detained as a result of the unrest in Tibetan areas in March and April 2008. In its briefing “*Officials Report Release of More Than 3,000 of the More Than 4,400 Detained Tibetan “Rioters”*”⁶, the highly respected Congressional Executive Committee on China (CECC) cites official Chinese sources as reporting that, by June 21 2008, the Chinese authorities had released 3072 of 4434 persons characterised as “rioters” and who had either surrendered or been detained before April 9 2008. The CECC report notes, however, that:

“The [official Chinese] reports provide information only about persons whom authorities suspected of participating in rioting during a period of six days in nine county-level Tibetan areas.

Chinese officials have provided no information, however, about a large but unknown number of Tibetans whom security forces detained in connection with peaceful protests over a period of several weeks beginning on March 10. The protests spanned more than 40 additional county-level areas in the Tibetan autonomous areas of China.”

The CECC report further notes that, as of June 21 2008, only 42 persons had actually been convicted according to information it had compiled from official Chinese sources and that “*The current status of more than 1,200 alleged rioters remains unknown*”.

5 Uprising in Tibet 1 May-30 June 2008 pp 14-19 is available at:

<http://www.tibetwatch.org/?q=system/files/MayJuneUpdate.pdf> and is circulated with this submission.

⁶ The relevant section of the briefing is available at:

<http://www.cecc.gov/pages/virtualAcad/index.phpd?PHPSESSID=cf73572b5a0849a0f20c2d81c51d4f72#id107985>

Article 2 (b): “As 30 persons were found guilty and sentenced less than six weeks after the events, please clarify the basis of the sentences, including how many cases involved confessions from the defendants. What opportunity to appeal the verdicts is provided to the defendants? Is there an independent review or oversight board assigned to these cases, and if so, has it examined any of them?”

Free Tibet is unable to supply information specifically on the case of the 30 Tibetans referred to by the Committee. Free Tibet can, however, supply information on the lack of due legal process and oversight in other cases where Tibetans have recently been sentenced:

Eight monks sentenced *in camera* in Gyanbe town⁷

On 23 September 2008 the Chamdo Prefecture People’s Court in the Tibetan Autonomous Region, Gyanbe town (Ch: Xiangpi), found eight monks guilty of bombing, or aiding in the bombing, of a local government building on 23 March 2008. The information received by Free Tibet indicates that the monks were denied all access to legal counsel from the time of being detained until sentencing.

A well-informed and reliable source who to Tibet Watch said the legal proceedings against the monks had been shrouded in complete secrecy. The whereabouts of the monks whilst in detention was not made known to the monks’ families, rendering the monks at an increased risk of torture. Normally relatives of the accused would have been informed of the nature of the alleged charges, and also of the sentencing. In this case, however, no formal charges were provided. The case was also held *in camera*.

Two of the monks were sentenced to life and the other six sentences ranged from 5 to 15 years imprisonment. The sentences were confirmed by the presiding judge in a telephone call with the Associated Press (AP)⁸.

Adak Kalgyam

Adak Kalgyam, was arrested in Lithang county in Sichuan province on 3 October 2007 and held for nine months by the Chinese authorities at an undisclosed location without any access to legal counsel.

According to a reliable source who spoke to Tibet Watch, Kalgyam’s place of detention was unknown, despite constant requests to the Lithang county police. On 13 July 2008 his family was told that he was to be sentenced the following day by the Dartsedo People’s Court (Ch:Kanding) in Gardze Prefecture, Sichuan province. Up until the time of his sentencing, Kalgyam had had no access to a lawyer. His family was allowed to speak to him on 14 July, according to the source. Kalgyam told them that his health was normal but that he had been hospitalised for one month due to earlier maltreatment in

⁷ Gyurmey Dhondup (Ch: Jinmei Dunzhu), 28: life imprisonment
Kalsang Tsering, 20: life imprisonment
Dorjee Wangyal (Ch: Duoji Wangjie), 31: 15 years imprisonment
Rinchen Gyaltsan (Ch: Renqing Jiangcun), 27: 10 years imprisonment
Tsewang Yeshe (Ch: Ciwang Yixi): 9 years imprisonment
Kunga Phuntsok (Ch: Genga Pingcuo), 19: 10 years imprisonment
Tsering Nyima, 21: 10 years imprisonment
Trinley Wanggyal, 21: 5 years imprisonment

⁸Date of telephone call: 14 October 2008. The full report is available at:
<http://www.freetibet.org/newsmedia/141008>

prison. According to the source, Kalgyam told his family that he had been subjected to solitary confinement on a number of occasions which had led him to faint. His family reported that marks from handcuffs were still visible⁹.

Article 2 (c): "It is reported that there were a number of deaths in connection with the unrest in the Tibetan Autonomous Region and neighbouring prefectures and counties. Please provide information on any investigations into those deaths and whether there will be a transparent public inquiry into them."

Killings in Ngaba county, 16 March 2008

Tibet Watch has received reliable and corroborated testimony from separate sources who witnessed Chinese armed troops¹⁰ firing in to a crowd of unarmed Tibetan civilians. The Tibetans were protesting peacefully in Ngaba county (Ch: Aba county) in Sichuan province on 16 March 2008. According to one of the sources, the security forces shot dead thirteen Tibetans. One of the Tibetans was named as Lobsang Tashi. According to one of the sources, police shot tear gas into the crowd and beat many of the protestors. The police then shot live rounds of ammunition into the crowd. One eyewitness confirmed seeing the bodies of thirteen Tibetans and many more seriously injured. Another eyewitness who spoke to Tibet Watch reported that up to 30 Tibetans were killed when the armed police shot into the crowd. A monk who had returned to Kirti monastery¹¹ after the protests, to which he had been an eyewitness, later told Tibet Watch that he had seen eight Tibetan bodies arrive at the monastery. Two were monks, one a lay female and five were lay people¹².

Photographs which highlight entry-exit bullet wounds on the corpses brought in to Kirti monastery are reproduced in the Appendix to this submission. The entry-exit wounds suggest use of high-velocity weapons by the Chinese armed troops who fired in to the crowd of unarmed Tibetan civilians in Ngaba county¹³. The use of such weapons against unarmed Tibetan civilians is evidence of the use of lethal and disproportionate force by the Chinese authorities in Ngaba county.

⁹ The full report is available at: <http://www.freetibet.org/newsmedia/160708>

¹⁰ Free Tibet has received credible eyewitness accounts that armed troops involved in suppressing protests in Tibet in March and April 2008 were from the People's Armed Police (PAP). Free Tibet has not been able to confirm whether PAP troops were responsible for the killings in Ngaba county.

¹¹ Kirti monastery is the local monastery in Ngaba county and is situated very close to where the killings took place

¹² Free Tibet's full report on the killings in Ngaba county is available at: <http://www.freetibet.org/newsmedia/reports-spreading-protests-tibet>

¹³ The photos are also available at: <http://www.freetibet.org/newsmedia/photos-kirti-monastery-discretion-advised>

Ngaba Town Shooting, 9 August 2008

On 9 August, two Tibetan unarmed civilian women¹⁴ were fired on in Ngaba town as they walked along a street towards a mobile telephone shop.

A witness confirmed hearing four or five shots fired in the street outside his house. The source said that s/he later spoke to Tibetans who had been on the street at the time of the shooting and that they told the source that the shots were thought to have come from a building that was known by locals to be quartering Chinese troops who had been garrisoned in the town. Tibetans, who went to the assistance of the women, reported that Chinese soldiers arrived on the scene shortly after the shots were fired. The witness report that the Chinese troops claimed that the firing had been a mistake¹⁵.

The information points to the fact that the culture of impunity that led to the shooting and killing of unarmed Tibetan civilians in March and April was not restricted to those months and that armed Chinese troops felt able to fire at Tibetans in the same place just five months later.

Killings in Thongkor town, 3 April 2008

On 3 April 2008 Chinese armed troops opened fire on Tibetan protesters in Thongkor town (Ch: Donggu), Gardze Prefecture, Sichuan province. Separate sources from Thongkor told Tibet Watch that they had seen eight Tibetan protesters shot dead by Chinese armed police following a march to protest against the arrest of two monks from Thongkor monastery. The monks had been arrested following a raid on the monastery after the Thongkor monks refused to take part in patriotic re-education sessions¹⁶.

To date, to the best of Free Tibet's knowledge, there has been no investigation into any of the shootings described above. In addition, eye witness accounts to shootings in Lhasa (14 March 2008) provided evidence that the bodies of those shot dead were removed from the streets by the military and the police. The bodies were not returned to relatives, which suggests such actions were an attempt to destroy the evidence of the shootings, reducing the likelihood of a comprehensive investigation into the events in March-April 2008.

Removal of Bodies from Lhasa Streets, 14 March 2008

Kelsang Sonam was an eyewitness to the killings in Lhasa on 14 March 2008. He told Tibet Watch¹⁷ that, at the moment when the Chinese armed police opened fire on the Tibetans behind the Jokhang temple on March 14, he was running for his life. This made it impossible for him to accurately observe how many Tibetans were left dead, or wounded in the street. He said that after the crackdown on 14 March he observed Chinese military personnel picking up dead Tibetans from the street and loading them into military trucks.

¹⁴ The two women are: Sonam Wangmo, 22, from Tseni township in Lower Ngaba county and Zhang Yeying, 28, from Gyarong (Ch: Jiarong), in Gardze Tibetan Autonomous Prefecture, Sichuan province

¹⁵ The full report is available at: <http://www.freetibet.org/newsmedia/100808>

¹⁶ The full report is available at: <http://www.freetibet.org/newsmedia/040408-thonkor-killings>

¹⁷ Interview with Tibet Watch, May 15 in Dharamsala

A separate eyewitness, referring to a separate killing on the same day in Lhasa, told Tibet Watch¹⁸ that he saw a Tibetan woman wearing a white top killed in front of the Gamchun restaurant. He said that he saw Chinese police dragging her body towards a nearby police van.

Article 2 (d): “According to information before the Committee, the criminal justice system is still strongly focused on the admission of guilt, confessions and re-education through labour, which create conditions for the occurrence of torture and cruel, inhuman or degrading treatment or punishment. Please provide information on the number of cases in which individuals have been convicted solely on the basis of confessions.”

Conditions for the occurrence of torture

In July 2008, Free Tibet received information that the Chinese government in the Kandze region of Tibet (Ch: Gardze Prefecture) in Sichuan province had drawn up a series of measures to purge Tibetan monks, nuns and monasteries deemed by the authorities to have undertaken subversive activities during the protests of March and April 2008 in Tibet.

Free Tibet believes that these measures¹⁹ create the conditions for torture and cruel, inhuman or degrading treatment or punishment.

The measures, detailed in an article in the official Tibet Daily newspaper, were posted on a trilingual Chinese government news website²⁰ on July 18 under the heading ‘Order of the Kandze Tibetan Autonomous Prefectural Government’ and apply in that region. Families of monks and nuns who confess to ‘minor’ crimes are to be responsible for their ‘re-education’; religious leaders accused of collaborating with foreign ‘splittist’ groups are to be publicly humiliated on state television. *“A monk or nun charged with quite serious crimes will remain in custody until s/he cooperates by telling the truth, confessing their guilt and submitting a shuyig [self-criticising letter]”*²¹.

Patriotic Re-education

In 2006, the UN Special Rapporteur, Dr Manfred Nowak stated that re-education aimed at *“breaking the will of detainees and altering their personality”*²² violated the right to personal integrity, dignity and humanity, as protected by the International Covenant on Civil and Political Rights²³ and the Convention Against Torture²⁴. Re-education through

¹⁸ Interview with Tibet Watch, April 22 2008

¹⁹ The translated document is reproduced in Appendix 2 and is available at: <http://www.freetibet.org/newsmedia/28-july-2008> The document was translated from Tibetan into English by Tibet Watch and the accuracy of the translation has been verified by Tsering Topgyal, a Tibetan academic at the London School of Economics.

²⁰ The website posting in Tibetan is available at: <http://zw.tibet.cn/news/>

²¹ Part One, Article 2, Order of the Kandze Tibetan Autonomous Prefectural Government

²² *United Nations Press Release, Special Rapporteur on Torture, Highlights Challenges at End of Visit to China*, Beijing, 2 December 2006, available at <http://www.unhcr.ch/hurricane/hurricane.nsf/0/677C1943FAA14D67C12570CB0034966D?opendocument>

²³ Articles 7 and 10.

²⁴ Articles 1 and 16

Labour was characterised as “*a systematic form of inhuman and degrading treatment or punishment, if not torture*”²⁵. Forced re-education leads “*to intimidation, submissiveness, self-censorship and a “culture of fear”*”²⁶.

In 1996 a 5-year programme of Patriotic Re-Education was launched in Tibet and was further intensified and expanded in May 2006. In April 2008, as a result of the protests, a new patriotic campaign was launched entitled “Oppose splittism, Protect stability, Encourage development”.

In the new campaign, patriotic education was particularly targeted at areas where the March 2008 protests were at their strongest²⁷ such as Kandze Autonomous Prefecture in the Kham region of Tibet (Chinese province: Sichuan).

This state-administered compulsory programme of study for all monks and nuns is carried out by *ledon rukhag* [work teams] of trusted Chinese and Tibetan officials. Work teams can vary from three to 20 individuals, depending on the size of the monastery. The frequency and the length of their visits – from five days to four months – depend on whether the monastery or nunnery has been deemed politically active or troublesome in the past. ‘Love your country, love your religion’ sessions involve studying four handbooks: Law, ‘The History of Tibet’, ‘Crushing the Separatist’, and ‘Contemporary Policies’. Reading and discussion of these books is often followed by an examination.

To pass these exams and establish themselves as good patriots, monks and nuns must:

- oppose separatism,
- deny Tibet was ever or should ever be independent from China,
- agree that the Dalai Lama is destroying the unity of the Motherland,
- recognise Gyaltzen Norbu, the Chinese appointed Panchen Lama, as the true Panchen Lama.

Failure to provide satisfactory answers brands monks and nuns as potential troublemakers and can lead to their expulsion from their monasteries. For the monks and nuns of Tibet, being forced to denounce their spiritual leader, the Dalai Lama, during compulsory patriotic education sessions is a deeply painful experience. Monks have also been required to publicly denounce the Dalai Lama and to spit and stamp upon pictures of him.

Cases

Un-named Township Secretary, Amchok Town, Hezui City

In December 2007, all the township Secretaries in Gansu Province, were invited on a one-month, all expenses paid trip around China. Before making the trip, the Secretaries were required to attend a meeting in Lanzhou city at which they were told in front of assembled media that they should sign a petition – on behalf of the people they represent – stating that His Holiness the Dalai Lama should not be allowed to return to Tibet. The meeting was broadcast on local Chinese television.

²⁵ Supra f.n.1

²⁶ Para. 81, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak*, 10 March 2006, page 22 (E/CN.4/2006/6/Add.6)

²⁷ See, “Order of the Kandze Tibetan Autonomous prefectural Government”, Appendix 2

One elderly man from Amchok Town, Hezui City, refused to sign the petition. When the authorities failed to convince him that he should join all the other Secretaries in signing, the old man again refused, saying he was willing to face any consequences. He was taken away, arrested and kept in prison in Lanzhou for the entire month of the trip. According to the old man, he was repeatedly and severely beaten while detained.

When the other Secretaries returned from their trip, the old man was released with a warning that he would be rearrested if, when he returned home, he told anyone about his detention and treatment.

Returning home the old man defied the authorities, telling many people about his experience and saying he had received the worst beatings of his life and was willing to take more beatings. He said he was willing to accept any consequences – including dying of torture – rather than deny His Holiness the Dalai Lama.

Doude Getse Town, Ama Tsangloe

On 27 March 2008, a citizen of Doude Getse town described events at a public meeting called by local Chinese authorities:

The object of the meeting was to get everyone to denounce the Dalai Lama and to commit publicly to struggle against the separatist Dalai clique. But one old Tibetan woman, Ama Tsangloe, stood up in the meeting and said loudly, with tears in her eyes, *“The Dalai Lama is our religious leader and we won't denounce him any more. He didn't do any of the things the Chinese government claims.”* Then she began to shout *‘Long live His Holiness the Dalai Lama’* and *‘The Dalai Lama must return to Tibet’*.

The Secretary of Getse Township grabbed Ama Tsangloe and kicked her as he dragged her away. Even as she was being kicked, she kept on shouting: *‘I am not afraid to die because I have died many times under the Chinese rule in Tibet since 1959. The Dalai Lama is my greatest leader. I will never speak against him again.’*

Ama Tsangloe received treatment in hospital for her injuries.

Like Re-education through Labour, evidence from Tibet demonstrates that Patriotic Re-education aims to break the will and personality of individuals, including through the use of physical torture. **We therefore recommend that the Committee characterises Patriotic Re-education as form of inhuman and degrading treatment or punishment, if not torture.**

Articles 11, 12 and 13 (21): “A number of serious allegations of torture were received by the current Special Rapporteur on the question of torture and his predecessors over the last years and transmitted to the Government, which has not yet provided information on a number of them. Please provide information on the investigation into all cases cited in the Special Rapporteur’s report (E/CN.4/2006/6/Add.6), especially individual cases noted in appendices 2 and 3 of the report.”

Update on the fate of the three Tibetan political prisoners mentioned in Dr Nowak’s 2006 Report: “Civil And Political Rights, Including The Question Of Torture And Detention”

The fate of Tibetan political prisoners cited in 2006 by the UN Special Rapporteur on Torture:

In his 2006 report, ‘Civil And Political Rights, Including The Question Of Torture And Detention’, UN Special Rapporteur on Torture Dr Manfred Nowak made specific reference to three Tibetan political prisoners:

- **Bangri Tsamtrul Rinpoche** (Jigme Tenzin)
- **Lobsang Tsuitrim**
- **Jigme Gyatsu.**

Noting that all three had “been convicted of a political crime, possibly on the basis of information extracted by torture”, the Special Rapporteur appealed to the Chinese Government to release these men.

As of October 2008, all three men are still in prison. There are grave concerns about the health of Bangri Tsamtrul Rinpoche and Jigme Gyatsu.