



HUMAN RIGHTS *update*  
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# HUMAN RIGHTS

*update*

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## Arrests of monks and sit-in protest in Drepung Monastery in Lhasa

Drepung Monastery in Lhasa, Tibet's capital, is currently under intense restrictions following a crackdown order issued by the "Tibet Autonomous Region" ("TAR") government authorities on monks sitting on mass silent protest, according to confirmed information received by the Tibetan Centre for Human Rights and Democracy (TCHRD). Reportedly the situation is tense and the monastery under tight control by the Chinese authorities.

Since the first week of October 2005, "work team" officials have been conducting the "patriotic education" campaign in the monastery. During the Campaign, on 23 November 2005, the monks were ordered to sign a document denouncing the Dalai Lama as a "separatist" and to pledge their

loyalty to the Chinese government by accepting "Tibet as a part of China". The monks showed their disagreement to the official directive and refused to sign the document. Among the monks, five showed strong reactions against the document and the officials. They were immediately expelled from the monastery and handed over to the Public Security Bureau (PSB) Detention Centres in their respective places of origin.

The monk arrestees are Ngawang Namdrol from Tsotod Township, Phenpo Lhundrup County, Lhasa Municipality, "Tibet Autonomous Region" ("TAR"), Ngawang Nyingpo from Khartse Township, Phenpo Lhundrup County, Lhasa Municipality, "TAR", Ngawang Thupten a.k.a Shogbu Metok from Lhasa Inner City, Lhasa Municipality, "TAR", Ngawang Phelgey from Rinpung County, Shigatse Prefecture, "TAR", and Phuntsok Thupwang from Gongkar County, Lhoka Prefecture, "TAR".

Following the arrests, on 25 November 2005, more than four hundred monks sat on a peaceful solidarity protest in the front courtyard of Drepung Monastery. The protesters refused to abide by the authorities' directives to denounce the Dalai Lama and to accept "Tibet as a part of China". They also called for the release of the five monk arrestees, or on refusal to do so, demanded to also be expelled from the monastery. Fearing that the protest might grow unmanageable, the "TAR" government



A Chinese national flag hoisted on the roof of the Drepung monastery in Lhasa

issued an order to crackdown on the protesters. A huge contingent of officers from the Army, People's Armed Police (PAP) and PSB arrived at the monastery and quelled the protest. During the crackdown, the resisting monks received severe beatings. The peaceful protest was quickly quashed, and the monks were shoved back into their quarters.

After the crackdown, severe restrictions have been placed on the monastery and nobody has been allowed to either enter or leave the premises since 25 November 2005. The officers maintain strict vigilance of the monastery and the monks' activities round the clock.

Apart from the five monks' arrests, TCHRD fears that many more arrests might have taken place during the crackdown or thereafter. TCHRD will continue to monitor the situation.

There has been a paradigmatic shift of increasing religious repression in Tibet in the recent months. Beijing authorities' suspicion of an alleged interlinks between Tibetan Buddhism and Tibetan nationalism is clearly evidenced by official attempts to control religion through "patriotic re-education" campaign and arrests, torture and imprisonment. Under the "patriotic education" campaign in the various monasteries in Tibet this year, arrests and expulsions of clergy have been reported consistently. At least one death can be attributed to the Campaign. A young Tibetan monk, Ngawang Jangchub, 28, died under mysterious circumstances in Drepung Monastery in the first week of October 2005 following a "patriotic education" session.

The recent mass non-violent protest initiated by the monks of Drepung Monastery in Lhasa perhaps might be one of the biggest in a decade despite a climate of severe restrictions and repressions in the Chinese occupied Tibet.

The monks of Drepung Monastery,

and in particular the five monks arrested, have received severe setbacks for the simple exercise of their fundamental human rights of freedom of expression and freedom of religious beliefs. The Chinese authorities' conduct of "patriotic education" in the monasteries of Tibet and the recent crackdown on the peaceful mass protest in Drepung Monastery on 25 November 2005 which lasted from 10 am till 7 pm violates Articles 18, 19 and 20 of the United Nation's Universal Declaration of Human Rights (UDHR). According to the UDHR, everyone has the right to "...freedom of thought, conscience and religion...", "...freedom of opinion and expression...", and "...the right to freedom of peaceful assembly and association..."

The recent crackdown took place days after Beijing's President, Hu Jintao, gave assurances of improving human rights to President George W. Bush, during the latter's visit to China from 19 to 21 November 2005. Such assurances now seem empty promises in the face of severe restrictive measures imposed on one of the most reputed religious centres in Tibet.

TCHRD requests Mr. Manfred Nowark, the United Nation's Special Rapporteur on Torture currently on mission in China and Tibet (from 21 November to 2 December 2005), to raise the cases of the five monks since they are likely to be tortured in the PSB Detention Centres. ♦

## **A newly built prison in Chushul County became operational in August 2005 says a recently arrived nun**

A newly arrived nun belonging to Chubsang Nunnery revealed to TCHRD information about the newly built prison in Chushul County near Lhasa City, "Tibet Autonomous Region" ("TAR").

According to the nun (name withheld for anonymity), "the newly built prison is located nearby Dolmalhakang temple in Nyethang Township, Chushul County, "TAR". The construction began about three years ago and the first batch of 35 prisoners arrived from Drapchi Prison in August 2005."

The nun further reported that the 30 monks in the Dolmalhakang temple were anxious about the closeness of the prison to their temple. The prison houses both criminal and political prisoners. The nun said, "I know of two prisoners in the prison who used to be monks at Gaden Monastery in Lhasa. Both Jampa Pesang, 28, and Bagdro have been transferred to the newly built prison from Drapchi Prison. Jampa was sentenced to 16 years' imprisonment term when he refused to denounce the Dalai Lama during a "patriotic education" campaign in the monastery in 1999. He has served nine years in Drapchi Prison and was transferred to the new prison in August 2005 among the first batch of prisoners."

The new prison which the Tibetans call as Nyethang Prison because of its location in Nyethang Township is about half an hour's ride in a car from Lhasa City. ♦

This is a regular section profiling political prisoners currently imprisoned in Tibet

## Lobsang Tenzin transferred to a newly built prison

Lobsang Tenzin, a Tibet University student has served 17 years in prison after being arrested in 1988 for participating in a pro-independence protest and wrongly charged of killing a Chinese policeman. Lobsang who has served a majority of his sentence in Powo Tramo Prison has now been transferred to a newly built prison in Chusul County near Lhasa, capital of Tibet. The prison houses both political and criminal prisoners. Along with him, two other Tibetan political prisoners have also been transferred to the new prison. During his imprisonment in Powo Tramo Prison, Lobsang was reported to be in grave health conditions physically and mentally. He is reported to be in a depressed state after learning the death of his sister due to heart complications.

Lobsang Tenzin, currently 40 years old, was born in Dranak Shol area of Lhasa City. After passing the high school successfully, he got admission in the prestigious Tibet University in 1987. On 27 September 1987, a peaceful pro-independence led by monks of Drepung

Monastery broke out which sparked a series of similar protest through out the late 1980s and early 1990s. During the 1988 protest in Lhasa, Lobsang actively participated in it and was subsequently arrested on charges of killing a Chinese policeman who died



accidentally during the protest. After a summary judicial process, he was sentenced to death with a reprieve of two years. Massive international campaigns for his release led to the commutation of his death sentence to life imprisonment in 1991. Three years later, in

1994, his imprisonment term was fixed to 18 years in prison. Currently he has completed 17 years out of the term.

During his imprisonment in Drapchi Prison in the early part of his term, he undertook a lot of political activities due to which the prison officials put manacles on his feet, beat him severely and thrown into the solitary confinement cell for a year. The Tibetan political prisoners has enormous respect for him for his brave acts of patriotism inside the prison premise. He was later transferred to Powo Tramo Prison where he served a majority of his term.

Due to the repeated ill treatments and torture received in the prison, Lobsang Tenzin is known to be in extremely weak condition. ♦

## Arrests and imprisonment of fleeing Tibetan refugees

Every year hundreds of Tibetan refugees cross the Kingdom of Nepal as a transit point enroute to India for asylum. The Tibetans face enormous hardship while undertaking the journey to freedom in exile. Despite the risk of dangers during the trek through the Himalaya involving snow avalanche, fatal fall in crevasse, getting snow-blind, death due to thirst and hunger etc, Nepal as the transit point in recent years has been the biggest hurdle for the Tibetan refugees.

Although Nepal is not a signatory to the 1951 Refugee Convention, Nepal as a member state of the United Nations is bound by the two fundamental human rights principles engrained in the Universal Declaration of Human Rights and the Refugee Convention: the Right to Asylum, and the Right to non-refoulement. However, in recent years cases of arrests and deportation by the Nepalese authorities have increased considerably albeit due to consistent pressure from China.

### Chinese officials intercept a group of fleeing Tibetans, all arrested

In November 2005, the Tibetan Centre for Human Rights and Democracy (TCHRD) received information about arrests of three groups of fleeing Tibetans: two by Nepalese police and one by the Chinese counterparts. In early October 2005, 14 Tibetans originally from the Qinghai Province were arrested by Chinese officials at Tingri (Ch: *Dingri*) County in Shigatse Prefecture, "Tibet Autonomous Region" ("TAR"). Apparently two groups of Tibetans with 14 and eight members departed from Lhasa, Tibet's capital, however, although the smaller group managed to reach the Tibetan Refugee Reception Centre (TRRC) in Kathmandu, Nepal, the former group was arrested at Tingri County after 23 days of their departure from Lhasa. It

is said that most of the arrestees were monks and the eldest in the group was a 37 year old monk.

### UNHCR secures the release of 42 Tibetans in the custody of Nepalese Immigration Department

A group of 42 Tibetans on board a bus to India was blocked by Nepalese police at Halchowk in Kathmandu on 16 November 2005. All the Tibetans were arrested and handed over the Nepalese Immigration Department. The arrests came after a routine check of the bus leaving to India. The United Nations High Commissioner for Refugees (UNHCR) – the UN's refugee agency - intervened on behalf of the Tibetans and secured their release.

### Nepalese police arrest 18 Tibetans

On 27 November 2005, a group of 18 Tibetans who have entered Nepal via Nangpala pass through Solokhumbu (Nepal-Tibet border area) were arrested at Bara District in the outskirts of Kathmandu valley. The next day, the Tibetans who were in the custody of the Nepalese Immigration Department received a sentence of eleven months in jail or to pay a monetary fine of Nepalese Rupees 8500 each. Despite the

efforts of the UNHCR and the TRRC, the Nepalese authorities refused to release the Tibetans. The group consisted of Tibetans from 16 to 30 years old.

Each winter, the exodus of Tibetans from Tibet is high due to various factors. Despite the heavy snow and blizzards in the Himalaya, Tibetans knowingly undertake the journey considering the light vigilance by border security personals in view of the extremely cold weather and heavy snowfall. On special events in India like the forthcoming Buddhist Kalachakra teachings in January 2006, the border patrol forces are put on high alert on both sides of the Himalaya.

Although there is a general consensus between the government of Nepal and the UNHCR called "the gentlemen agreement", according which the Tibetans fleeing Tibet are to be handed over to the latter. But in recent years, the Nepalese government has considerably broken the agreement and have either arrested and/or deported fleeing Tibetans back to Tibet.

Despite the high risk involved, Tibetans continue to undertake the arduous journey through the treacherous Himalayas and arrest in Nepal if caught, in order to get education in India, for pilgrimage purposes or to be blessed by the Dalai Lama. ♦



Newly arrived Tibetan refugees handcuffed by the Nepalese authorities



A group of Tibetan refugees being led away in a truck

## Torture “widespread” in China says UN torture investigator

The UN Special Rapporteur on Torture, Mr. Manfred Nowak, said that torture is “widespread” in China during a press conference in Geneva on conclusion of his 12 days investigation tour in China and Tibet.

The visit followed ten years of repeated appeals and requests to investigate torture in China by various human rights organizations. Mr. Nowak in his statement said that “the practice of torture, though on decline particularly in urban areas, remains widespread in China”.

He also pointed out the monitoring and obstructions caused by relevant Chinese agencies during his investigations. “The Special Rapporteur feels compelled to point out that some Government authorities, particularly the Ministries of State Security and Public Security, attempted at various times throughout the visit to obstruct or restrict his attempts at fact-finding. The Special Rapporteur and his team were frequently under surveillance by intelligence personnel, both in their Beijing hotel as well as its vicinity. Furthermore, during the visit a number of alleged victims and family members were intimidated by security personnel, placed under police surveillance, instructed not to meet the Special Rapporteur, or were physically prevented from meeting with him,” read the press statement released on 2 December 2005.

While in Tibet, he visited Lhasa Prison, Drapchi Prison and the newly-built prison in Chushul county. The details of visit to the prisons in Tibet will be made available during the 62<sup>nd</sup> session of the UN Commission on Human Rights in 2006.

The Special Rapporteur said that torture is prevalent in China due to pressure on police officers to gather evidence in the form of confessions. Apart from physical torture, the police officers use psychological torture to alter a detainee’s personality.

Although China was among the first states to ratify the UN Convention against Torture (CAT) in 1988, “the Chinese definition of torture does not fully correspond to the international standard contained in CAT.” Mr. Nowak said, “There is much that still needs to be done, there is a need for many structural reforms.” In order to bring torture under control, major legal reforms should be allowed for an independent judiciary.

At the end of the press statement, the Special Rapporteur on Torture gave the following recommendations to the Government of the PRC

- Reform the criminal law by adding the crime of torture in accordance with the definition contained in CAT (Art.1) with appropriate penalties

- Ensure that the reform of the criminal procedure law conforms to ICCPR fair trial provisions, including by providing for the following: the right to remain silent and the privilege against self-incrimination; the right to cross-examine witnesses and the effective exclusion of evidence extracted through torture.

- Reform the criminal justice system by transferring several functions of the procurators to the courts, for example, authorization of detention and supervision of the police.

- Allow lawyers – particularly criminal defense lawyers — to be more effective in representing the rights and interest of their clients including through involvement at the earliest stages of police custody and pre-trial detention.

- Abolish Section 306 of the Criminal Law, according to which any lawyer who counsels a client to



Mr. Manfred Nowak, the UN Special Rapporteur on Torture  
(File picture)

repudiate a forced confession, for example, could risk prosecution.

- Take measures to enhance the professionalism, efficiency, transparency, and fairness of legal proceedings; and raise the status and independence of judges and courts within the Chinese legal system.

- Reduce the number of pre-trial detainees by enlarging the use of non-custodial measures such as bail.

- Establish an independent complaints mechanism for detainees subject to torture and ill-treatment

- Accept the right of individual petition to the Committee against Torture and its competence to initiate an inquiry procedure in accordance with Articles 20 and 22.

- Abolish imprecise and sweeping definitions of crimes that leave large discretion to law enforcement and prosecution authorities such as “endangering national security”, “disrupting social order”, “subverting public order,” etc.

- Abolish “Re-Education through Labour” and similar forms of forced re-education of detainees in prisons and pre-trial detention centres and psychiatric hospitals.

- Bring conditions on death row into conformity with the right of

detainees with humane treatment

- Limit the scope of the death penalty by abolishing it for economic and non-violent crimes.

- Utilize the opportunity of the planned restoration of Supreme Court review for all death sentences to publish national statistics on the application of the death penalty.

- Establish a national human rights institution in accordance with the Paris Principles. The United Nations Commission on Human Rights and General Assembly have adopted a set of guiding principles on the role, composition, status and functions of national human rights institutions commonly known as the Paris Principles. Commission on Human Rights Resolution 1992/54 of March 1992 and General Assembly Resolution A/RES/48/134 of 20 December 1993. with the authority to carry out unannounced visits to all places of detention.

- Ratify the Optional Protocol to the UN Convention against Torture

- Ratify the UN Covenant on Civil and Political Rights

- That OHCHR provide support to the above through its technical cooperation programme within the framework of the recent MOU signed between the High Commissioner for Human Rights and the Chinese Government. ♦

## Testimony of a former political prisoner

A former Tibetan political prisoner, Tsering Gyurmey, who served three years in prison, arrived in Kathmandu Tibetan Refugee Reception Centre (TRRC) on 14 November 2005.

Tsering Gyurmey, currently 32 years old, was born in Nga-shed Village, Kha-go Township, Kardze County, Kardze Tibetan Autonomous Prefecture ("TAP"). Upon arrival in Nepal, he testified to TCHRD, " In the early 1990s, my uncle and I went to India for pilgrimage. Upon the completion of the pilgrimage, I stayed back in India and became a monk at the Sera Monastery in South India while my uncle returned to Tibet. After a couple of years at the monastery, I also decided to return to Tibet. In July 1999, when I returned to Tibet, I took along some music cassettes produced by Tibetan artists in exile India."

"On 14 February 2001, when I was in Lhasa I visited a *Nangma* bar (Nangma bars play traditional Tibetan songs and are popular in Lhasa) called *Tashi Lukar Nangma*. I handed to the owner a cassette containing a song of tribute to Pawo Thupten Ngodup, a Tibetan martyr in exile. The owner unknowingly played the cassette. The next day I went to the *Nangba bar* along with three friends (Jampa Dorjee, 23, Jampa Wangchen, 24, Rinchen, 29, all from Kardze County). Around 2 am in the morning, three vehicles from the Public Security Bureau ("PSB") arrived at the bar and immediately arrested all of us. For four days we were detained at the local police station for interrogations. The PSB officers put all four of us on lengthy interrogation sessions during which they asked about where we got the cassette etc. Since my friends were not involved

the "offence", they were released from the police station."

"On 19 February 1999, I was transferred to Gutsa Detention Centre where I was put on further interrogations for a couple of years. On 24 August 2001, the Lhasa People's Intermediate Court formally sentenced me to three years prison term. On 21 September 2001, I was again transferred to Drapchi Prison to serve my term. Initially I was imprisoned in Unit 8 and later in Unit 7. During the entire period of imprisonment, I was locked up in the cell except for ten minutes in the morning and evening each day for toilet breaks."

"On 18 February 2004, I was released from Drapchi Prison. Upon release, according to the court order, I was deprived of my political rights for a year that ended on 17 February 2005."

Tsering Gyurmey fled Tibet unable to stand the constant vigilance and repeated harassments by the police officers. ♦



# TCHRD ACTIVITIES

Bulletin

## Resource talks at workshops

Mr. Jampa Monlam, Researcher, was twice invited as a resource person for workshops organised by the Domed Association and the Regional Tibetan Youth Congress (RTYC). On 5 November 2005, Mr. Jampa spoke about the human rights situation in Tibet at the Domed Association workshop held at the Yongling School. He was invited again on 28 November to speak during the workshop organised by the RTYC at College for Higher Tibetan Studies, Sahra.

On both the occasions, the workshop participants showed great interest in his lecture. Mr. Jampa also fielded numerous questions raised by the participants. ♦

## Panel discussion on gender equality

On 25 November 2005, in commemoration of "International Day for the Elimination of Violence Against Women", the Tibetan Women's Association organised a panel discussion on gender equality. The panelists discussed the issues of gender discrimination and state of Tibetan women in Tibet and also in exile. The panelists included Mrs. B Tsering, President of Tibetan Women's Association, Khenpo Gawang, Lobsang Yeshe, Vice President of Tibetan Youth Congress, Tsering Yangkyi, Director of Tesi Tibet Environment Awareness Movement, Choekyi Dolma, Tibetan teacher at Dolmaling Nunnery and Mr. Jampa Monlam, Researcher at TCHRD. ♦

## "Himalaya Parivar" meeting in Shimla

Mr. Tenzin Norgay, Field Officer, participated in the "Himalaya Parivar" meeting organised by an Indian Tibet support group on 6 November 2005. The meeting which was held in Shimla, capital of Himachal Pradesh, saw a huge gathering of Indians and Tibetans. Some of the participants have also arrived from the remote Lahaul Spiti area of the state. The meeting delved on the security concerns of the areas and countries that fall in the Himalayan belt.

The Tibetan delegation to the meeting was headed by Geshe Thupten Phelgey, Parliamentarian to the Assembly of Tibetan People's Deputies from the Gelug School of Tibetan Buddhism. Geshe Thupten delivered a speech during the meeting on behalf of the Tibetans. ♦



Mr. Jampa Monlam during the panel discussion

## UN Affairs Personnel

Mr. Tenzin Norgay will be the new UN Affairs Personnel of TCHRD. Mr. Norgay has been working in the Centre since March 2002 in the capacity of Field Officer. As per the decision of the Executive Committee of the Board of Directors, he will assume the responsibility from 1 December 2005.