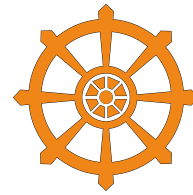


**Information for consideration of the List of Issues for the UN  
Committee Against Torture for the Review of the People's Republic  
of China regarding the Tibetan people**

**54 Session, 20 Apr 2015 - 15 May 2015**

**Information submitted on February 9th, 2015 by the Tibet  
Advocacy Coalition, co-authored by Boston University, the  
International Tibet Network, Students for A Free Tibet and Tibet  
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## Introduction<sup>1</sup>

1. The systematic denial of the Tibetan people's rights and religious freedoms includes ongoing punishment, detention, imprisonment and torture of religious figures, human rights defenders, and other members of civil society. Torture is endemic in prisons and detention facilities and as a response to non-violent protests and mass gatherings in Tibet<sup>2</sup>. The threat of torture and actual torture restrict the way Tibetans live and hamper Tibetan civil society.
2. At least four Tibetans died in 2014 because of their treatment in detention; this includes Tibetan prisoners who died after being released on medical

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<sup>1</sup> Full access to independent experts should be granted by the State party and would show a real commitment to its intention to implement its legal reforms. NOTE: We have made every effort to gather recent information, however the extreme difficulties in access faced by independent human rights monitors and researchers means that it is difficult to provide a full picture of what is happening in Tibet today. The information we do present does overwhelmingly demonstrates wide-scale systematic failure by the Chinese government to abide by and implement the Convention Against Torture in national legislation and practice.

<sup>2</sup> (i) Tibet encompasses the Tibetan provinces of U-Tsang, Kham and Amdo, which are incorporated into the Chinese provinces of the Tibet Autonomous Region (TAR), Sichuan, Qinghai, Gansu and Yunnan.

- parole<sup>3</sup>. Tibetan Centre for Human Rights reported<sup>4</sup> that detained Tibetan protesters were tortured and denied medical treatment merely for taking part in non-violent protests.
3. Since China's last review in 2008 by the UN Committee Against Torture (CAT), much has changed in Tibet for the worse. In 2008, in response to massive peaceful protests across Tibet, China introduced policies that continue today, including increased surveillance, attempts at "re-education", criminalization of cultural and religious activities and a continuation of widespread use of torture.
  4. Chinese Criminal Procedure Law specifically prohibits the use of torture. But evidence demonstrates that there is an alarming gap between the law and actual practice. Evidence collected by key Tibet research groups, including the Tibetan Center for Human Rights and Democracy, Tibet Watch and International Campaign for Tibet points to the continuing widespread and routine use of torture by the Chinese authorities particularly inside Tibet. Indeed, the NGO Freedom House recently reported that since the Chinese Communist Party's leadership change in November 2012, Tibetans "were more likely than other categories of victims to be subjected to long prison sentences of 10 years or more, systematic torture, and death in custody".<sup>5</sup>
  5. Torture is used by the state to respond to Tibetan resistance. Tibetan human rights defenders all run the risk of being arrested by a state government that clamps down on any perceived form of dissent. They live with the knowledge that if they were to be arrested, they and their family members would be at risk of suffering torture during their time in custody. This limits the growth and functioning of civil society in Tibet. New measures have been implemented which suppress the ability to practice Tibetan Buddhism.

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<sup>3</sup> "Through Flesh and Bones: Six Inspiring Stories of Torture Survivors", TCHRD's forthcoming documentary film on torture, <http://www.tchrd.org/2014/06/first-cut-screening-of-through-flesh-and-bones-tchrd-observes-international-day-in-support-of-victims-of-torture-3/>

<sup>4</sup> Tibetan Center for Human Rights and Democracy, 2014 Annual Report: <http://www.tchrd.org/2015/02/annual-report-2014-human-rights-situation-in-tibet/>

<sup>5</sup> <https://www.freedomhouse.org/report/china/politburo-predicament>

6. The state response to the Tibetan self-immolation protests since 2009<sup>6</sup> has been to implement harsh policies towards the families of self-immolators and on anyone accused of having any tangential relationship to a self-immolator. We believe these new measures to be tantamount to collective punishment.
7. While China's recent submission details some positive legal reforms made since its last review, the realities experienced by Tibetans who are arrested, detained, and imprisoned present a very different picture, pointing to a wide gap between policy and implementation.

**Article 2.1: Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.**

8. China has amended various legislative codes to better guide police behavior, by incorporating constitutional principles that respect and protect human rights. The law now includes clear stipulations against forced self-incrimination, and for excluding illegal evidence. China claims to have implemented procedural changes to better monitor their public officials in order to curtail incidents of torture in the law enforcement.<sup>7</sup>
9. China's Report highlights its Regulations on Administrative Detention Facilities (ADF) which went into effect on April 1, 2012. The ADF guarantee that detainees have the right to be informed of their rights; that their families will be notified of their detention; and that their health and well-being will be protected during detention. Further, the ADF states that the authorities may not humiliate, corporally punish or abuse detainees, or incite or condone others to do so. The ADF regulations also guarantee the right of detained persons to meet with lawyers during their periods of detention.
10. The ADF regulations guarantee that detainees will be provided adequate medical care. If a detained person has an illness so severe that it threatens his/her life or safety, the administrative detention facility is required to advise the detaining authority to suspend the detention decision.
11. A pattern has also appeared in recent years whereby Chinese authorities have opened fire on peaceful protesters and detain the wounded, without giving them access to medical treatment. In August 2014, three detained

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<sup>6</sup> In 2009, in response to increased repressive policies and a severe and worsening security crackdown, Tibetans from all walks of life (nuns, monks and laypeople) began to self-immolate in protest. As of today 137 Tibetans have set themselves on fire and over 100 have died of their injuries.

<sup>7</sup> Fifth Periodic Reports of State Parties- China 20, June 2013 (CAT/C/CHN/5)

- Tibetan protesters who had been shot by the authorities died from their gunshot wounds after being left untreated for their injuries.<sup>8</sup>
12. In spite of legal and policy changes, such as the Regulations on Administrative Detention Facilities (ADF), a repressive state security apparatus continues to carry out human rights violations against Tibetans. Confessions that are acquired through the use of torture and inhuman treatment still appear to be routine in the Chinese justice system in Tibet. The cases summarized below indicate this trend.
  13. Dolma Kyab was sentenced to death (with a two year reprieve) on August 15, 2013 in a three hour-long trial for allegedly murdering his wife who self-immolated in March 2013; he was tortured to extract a false confession.<sup>9</sup> Tibet Watch reported that during his time in custody, Dolma Kyab was taken out of his cell every two to three days and returned unconscious<sup>10</sup>.
  14. Jigme Guri (also known as Labrang Jigme), a Tibetan monk, provided a rare first-hand account of China's crackdown on Tibetan protesters to foreign media, and was re-detained in August 20th 2011. He was held without trial until September 2014, when he was given a five-year sentence for "actions to split the nation"<sup>11</sup>. His trial was held in secret and his whereabouts remain unknown.<sup>12</sup>
  15. Jigme Gyatso (also known as Golog Jigme) endured multiple arrests for making the documentary 'Leaving Fear Behind' in 2008. In 2014, he stated about his arrest: " (...) my hands and feet were shackled and I was tied hanging for 10 hours. Later, I experienced similar torture seven times, which often lasted between 2 to 5 hours. Even today I continue to have severe pain

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<sup>8</sup> Richard Finney, *Three More Detained Tibetan Protesters Die from Gunshot Wounds*, Radio Free Asia (August 19, 2014), [://www.rfa.org/english/news/tibet/wounds-08192014131944.html?](http://www.rfa.org/english/news/tibet/wounds-08192014131944.html?)

<sup>9</sup> UK Calls on China to Commute Tibetan Death Sentence, The Tibet Post International (September 3, 2013) <http://www.thetibetpost.com/en/news/international/3611-uk-calls-on-china-to-commute-tibetan-death-sentence>; Death Penalty for Tibetan after death of wife in Ngaba, International Campaign for Tibet (August 21, 2013), <http://www.savetibet.org/death-penalty-for-tibetan-after-death-of-wife-in-ngaba/>

<sup>10</sup> Tibet Watch, Dzoerge Thematic Report 2013, [http://www.tibetwatch.org/uploads/2/4/3/4/24348968/dzoerge\\_county\\_thematic\\_report.pdf](http://www.tibetwatch.org/uploads/2/4/3/4/24348968/dzoerge_county_thematic_report.pdf)

<sup>11</sup> <http://freetibetanheroes.org/jigme-guri/>

<sup>12</sup> In a video interview with the Tibetan Service of Voice of America in September 2008#, Labrang Jigme described the initial stage of his first arrest in these words: "I was put on a chair with my hands tied at the back. A young soldier pointed an automatic rifle at me and said in Chinese, "This is made to kill you (...). You make one move, and I will definitely shoot and kill you with this gun (...). Video Interview with Jigme Guri: <http://vimeo.com/28665808>

on the backbone and ribs and my knee dislocates whenever my body gets cold".<sup>13</sup>

16. Tenzin Delek Rinpoche, a highly-respected Tibetan lama renowned for welfare activities and promoting Tibetan culture, was arrested on a false charge of masterminding a bomb explosion and distributing separatist leaflets <sup>14</sup>. The only evidence against him was extracted from a relative, Lobsang Dhondup, during torture. Dhondup, who was executed, later recanted his statement, clearing Tenzin Delek of any wrong-doing<sup>15</sup>. Tenzin Delek's trial was held in secret, and even though he had no independent legal counsel, he received a death sentence, which was later commuted to life in prison and then to a 20-year sentence.
17. Tenzin Delek Rinpoche is believed to have been tortured in detention. His family have reported him to be in seriously poor health, with a serious heart condition, high blood pressure and now walks with a walking stick, due primarily to the torture he endured following his arrest in 2002 onwards. In 2010 Prison officials told relatives that he is ill with "ailments related to bones, heart, and blood pressure."<sup>16</sup> An application for medical parole has been logged for Tenzin Delek Rinpoche, who became eligible for medical parole in 2009.
18. 72-year old Yama Tsering<sup>17</sup> was tortured with an electric prod in detention in Tawu, August 2013 in the aftermath of police opening fire on unarmed protesters. Along with Yama Tsering, who sustained an arm injury and four broken ribs by the police during the protest, 20 other injured people were arrested and tortured instead of given medical attention.
19. Prominent religious leader Khenpo Kartse's current health conditions in detention demand medical attention that he has thus far been denied.<sup>18</sup>

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<sup>13</sup> <http://tibet.net/2014/05/28/golog-jigme-speaks-about-his-arrest-and-escape-from-chinese-prison/>

<sup>14</sup> Human Rights Watch [http, \*Trials of a Tibetan Monk; The Case of Tenzin Delek\* Vol\(16\) 1c \(Feb 2004\)://www.hrw.org/print/reports/2004/02/08/trials-tibetan-monk](http://www.hrw.org/print/reports/2004/02/08/trials-tibetan-monk)

<sup>15</sup> Ibid.

<sup>16</sup> Congressional - Executive Commission On China Political Prisoner Database <http://ppdcecc.gov/QueryResultsDetail.aspx?PrisonerNum=1950>

<sup>17</sup> <http://freetibet.org/news-media/na/tibetans-tortured-after-shootings>

<sup>18</sup> Michelle Arrouas, *Jailed Tibetan Leader Khenpo Kartse in 'Very Poor Health'*, Time, (March 12, 2014), <http://time.com/20959/kartse-jailed-tibetan-poor-health/>

**20. Suggested Question** - Please give details as to the status of Tenzin Delek Rinpoche's application for medical parole.

**Article 4.1: Each State Party shall ensure that all acts of torture are offences under its criminal law; such offences shall be punishable by appropriate penalties, which take into account their grave nature.**

21. China has incorporated provisions for administrative punishments for its police forces, with criminal liability for actions that constitute crimes for: extraction of confessions through torture, corporal punishment, abuse or humiliation of other persons; excessive amounts of time to limit personal freedoms for interrogations. However, no evidence is available that shows that Chinese officials are being punished for acts of torture being committed.
22. Despite the prohibition against torture, there are many documented cases in which Tibetans have died from the effects of torture in prison or upon being released. No known investigations have taken place into these incidents.
23. Tenzin Choedrak, a 34-year old Tibetan social activist and political prisoner, died in December 2014 just two days after he had been released early from detention, having served six years of his 15-year prison sentence. His physical injuries suggest he was subjected to foot whipping, as well as beatings.<sup>19</sup>
24. Goshul Lobsang, a Tibetan political prisoner, died on March 19, 2014 as a result of torture that included being left outside naked in Tibet's bitter winter.<sup>20</sup>
25. Jamyang Jinpa, a 37 year old monk from Labrang monastery, died April 3, 2011 after suffering severe torture in Chinese detention. It is believed he was released because authorities did not want him to die in custody.<sup>21</sup>

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<sup>19</sup> Tsewang Rigzin, *Remembering the fearless 'ghost' Tenzin Choedrak*, Tibetan Center for Human Rights (January 30, 2015), <http://www.tchrd.org/2015/01/remembering-the-fearless-ghost-tenzin-choedrak-1981-2014/>

<sup>20</sup> Free Tibet, *Tortured Prisoner in Critical Condition* (February 28, 2014), <http://freetibet.org/news-media/na/tortured-prisoner-critical-condition>

<sup>21</sup> International Campaign for Tibet, *Torture blamed for death of Tibetan monk, second death following protest during foreign reporters' visit to Labrang monastery*, (April 4, 2011), <http://www.savetibet.org/torture-blamed-for-death-of-tibetan-monk-second-death-following-protest-during-foreign-reporters-visit-to-labrang-monastery/>

26. **Suggested Question:** Please explain the circumstances surrounding the early release of the Tibetan political prisoners Tenzin Choedrak, Jamyang Jinpa and Goshul Lobsang and their subsequent deaths shortly after release.
27. **Suggested Question:** Please expand on how the state responded to the deaths of ex-prisoners Tenzin Choedrak, Jamyang Jinpa and Goshul Lobsang,, particularly as these are alleged to be as a result of torture sustained in detention. If there was no response, will the state party investigate these deaths now on hearing there are real concerns that these were as a result of torture?
28. **Suggested Question:** Please give details of the number of investigations carried out into incidents of torture of Tibetans in detention in Tibet since the last review.
29. **Suggested Question:** Please describe how accountability mechanisms can be implemented to prevent early release of dying prisoners being used by prison staff as a way to circumvent accountability for torture carried out in detention?

**Article 10.1: Each State Party shall ensure that law enforcement personnel and officials who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment are fully trained and informed on the prohibition against torture.**

**and Article 10.2: Each State Party shall include the prohibition against torture in the rules or instructions issued in regard to the duties and functions of any such person.**

30. China claims to have implemented educational programs for both veteran police and new recruits. China claims to have implemented programs which last up to 3 months for veteran law enforcement agents and 30 day training for new recruits[SA1]
31. China's Report highlights its ADF Regulations as described above under 9.
32. Incidents of torture against Tibetans occur despite there apparently being educational programs with law enforcement agencies, which raises whether questions about the content of these programs and actual implementation and enforcement of the ADF Regulations, at least where Tibetans are concerned.



33. **Suggested Question:** Please state clearly the content of the mandatory trainings for law enforcement personnel, and how these are designed to inform about the prohibition against torture.

**Article 11: Each State Party will continuously review interrogation rules, instructions, and arrangements for the custody and treatment of detainees with a view of preventing any cases of torture.**

34. In June 2010, the Provisions on Several Issues Concerning the Examination and Judgment of Evidence in Death Penalty Cases was issued. The Provisions emphasized that the death penalty should only be applied on the basis of factual information that was without reasonable doubt.

35. The most recent urgent cases discussed within this document illustrate China's systematic torture practices affecting Tibetan activists, religious figures and others, that continue despite the reforms enacted by the ADF and the Provisions on the death penalty.

**Article 12: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there are reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction.**

36. China claims that it has taken a number of measures to investigate allegations of torture by its officials, and points to the 'anti-malfeasance and rights infringement department' to stamp out torture and other human rights violations<sup>22</sup>.

37. In spite of these efforts to better monitor the conduct of its public officials, Chinese authorities have failed to investigate many cases of police mistreatment.

38. On 6 July 2013 Chinese police opened fire at unarmed Tibetans who had assembled in a religious gathering to celebrate the Dalai Lama's birthday. Two monks were shot in the head and at least another eight Tibetans were seriously wounded. Large numbers of armed police and soldiers were deployed against the peaceful gathering without warning, police opened fire on the unarmed crowd and also fired on the people with tear-gas<sup>23</sup>. The

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<sup>22</sup> *Supra* note 1

<sup>23</sup> Tibetan Center for Human Rights and Democracy, *Monks, Beaten, Detained, in Nyatso Zilkar Raid* (September 4, 2012), <http://www.tchrd.org/2012/09/monks-beaten-detained-in-nyatso-zilkar-monastery-raid/>

Tawu Shootings committed by the People's Armed Police was never investigated.

39. In Tenzin Delek Rinpoche's case, the manner in which he was arrested and imprisoned raises serious questions about the use of torture and cruel and inhuman treatment as part of routine police arrest and detention tactics in Tibetan cases.
40. In Tenzin Delek Rinpoche's case, the manner in which he was arrested and imprisoned raises serious questions about the use of torture and cruel and inhuman treatment as part of routine police arrest and detention tactics in Tibetan cases.
41. There is no evidence that Chinese officials are actually being punished for the acts of torture being committed, we ask the Committee explore this with the State Party and ask for explanations as to an apparent lack of implementation.
42. **Suggested Question:** Please state what steps have been taken to implement provisions for administrative punishments for police forces, with criminal liability for actions that constitute crimes, including extraction of confessions through torture, corporal punishment, abuse or humiliation of other persons.

**Article 15: Each State Party will ensure that statements made as a result of torture will not be invoked as evidence in any proceedings (except as against the person accused of torture).**

43. In 2012, the Ministry of Public Security released a revision of the Provisions on Procedures for Handling Criminal Cases by Public Security Organs, stating that "no one may be forced to incriminate him/herself" and "the use of torture to coerce confessions is strictly prohibited". The following cases illustrate, however, that coerced confessions remain endemic in the Chinese criminal system, particularly in Tibetan cases.
44. Dolma Gyab was sentenced to death on August 15, 2013 for allegedly murdering his wife who self-immolated. The trial was held by a Chinese court in Ngaba, Sichuan province and lasted three hours. Reports claim that Dolma Gyab was tortured to extract a false confession.
45. Tibetan monk Lobsang Kunchok was sentenced to death for allegedly inciting eight people to self-immolate. Torture was reportedly used to extract confessions from Lobsang Kunchok.<sup>24</sup>

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<sup>24</sup> *Tibetan monk sentenced to death for "inciting self-immolations"*, Tibet Society, (January 31, 2013), <http://www.tibetsociety.com/content/view/365>.

46. Tibetan environmentalist Karma Samdrup's trial in 2010 was highlighted as a test case for China's commitment to halting the use of torture. Karma Samdrup testified to the court that "during several months of interrogation, officers repeatedly beat him, ordered fellow detainees to beat him, deprived him of sleep for days on end, and drugged him with a substance that made his eyes and ears bleed - all to extract a confession. He said he was forced to sign IOUs at extortionist rates for everything provided to him by the prison, including meals and showers."<sup>25</sup>

47. **Suggested Question:** Please tell us the status of Dolma Gyab's death sentence review by the Supreme People's Court (SPC). Dolma Gyab was sentenced to death, with a 2-year reprieve, on 15 August 2013 but his case does not appear to have been reviewed by SPC to date.

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<sup>25</sup> Human Rights Watch, China: Investigate Torture Allegations in Tibet Philanthropist Trial, June 23, 2010 <http://www.hrw.org/news/2010/06/23/china-investigate-torture-allegations-tibet-philanthropist-trial>