

# POLITICAL PRISONERS

AND PRISON CONDITIONS IN  
**TIBET**



**TCHRD**

November 2000

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Political prisoners are those detained on account of their religious, political, and ethnic views. Each year hundreds of Tibetans are detained and arrested for peacefully expressing their political and religious beliefs. Since the invasion of Tibet in 1949, there have been mass detentions and imprisonment of Tibetans. However, under China's 'liberalisation' policies of the early 1980's, a new trend of arrests, torture, and sentencing of prisoners has begun. Age is no barrier to arrest for political crimes, and children as young as 13 years old are detained with adult prisoners.

As of mid-2000, there are approximately 500 known Tibetans remain incarcerated on these grounds. There are currently 73 known political prisoners serving sentences of ten years or more.

Despite being a signatory to the International Covenant on Civil and Political Rights, the People's Republic of China has failed to protect the civil and political rights of its citizens. These prisoners, arrested simply for exercising their rights, lose many other rights once imprisoned. They are subject to physical and mental torture, and held in incommunicado detention in prisons that fall well below international standards. They also lose the right to a fair trial and legal representation, giving them no chance to redeem themselves for their accused actions.

International campaigns have been launched by non-governmental organisations urging the Chinese government to release political prisoners and prisoners of conscience in Tibet. These campaigns include: Tanak Jigme Sangpo (73) the longest serving Tibetan political prisoner; Ngawang Sangdrol (24), the longest serving female political prisoner; Ngawang Sungrab (28), Ngawang Jungney (29), Gyaltzen Choephel (28), Ngawang Choephel (36), Lobsang Tenzin (22), and many others. Despite strong international pressure, the Chinese government is yet to accede to these requests and has shown no relaxation in their policies.

## CHINESE LEGAL SYSTEM

### “Verdict First, Trial Second”

Under the Chinese legal system, fundamental legal rights such as ‘innocent until proven guilty’ and the right to legal representation are replaced by Chinese concepts, such as ‘verdict first, trial second’, ‘lenience for those who confess, severity for those who resist’ and ‘reform and re-education through labour’.

A suspect is generally held completely incommunicado during the investigation period, which can last several months up to a year, and, in many cases, the provision requiring the police to notify the suspect’s family within 24 hours of arrest is ignored.

Many prisoners’ families are never officially told that their relative is being detained. It is not until the time of trial that the authorities inform the family members of the imprisonment of their relative. However, even when they know of the arrest, many families have a lot of difficulty discerning precisely in which prison their relative is being held. The lack of knowledge makes the whole experience far more stressful for both the prisoners and their families.

Under the new Criminal Procedure Law, the term “endangering state security” has been introduced, replacing the previously used term of “counter-revolutionary”. Chinese authorities can now use “state secrets” as a justification for arrest and detention, and deny suspects access to legal representation throughout the investigation and interrogation period.

Tibetan political defendants have had great difficulty in obtaining legal representation, especially because of financial problems and the reluctance of lawyers, for fear of being seen as backing *splittists*.

**Amdo Sangye**, a former Judge at the Qinghai High Court in Ziling, informed the International Commission of Jurists (ICJ) that, although defendants were provided with lawyers, in actual practice the lawyer could not defend the accused. According to his statement, in the great majority of cases that came before him, defendants have been beaten by the police and subsequently compelled to sign confessions.

Defendants are also reluctant to appeal, due to the fact that appeals are generally unsuccessful, or that the Higher Courts merely approved the decision of the original trial, without reviewing the case. Those who do appeal may also face a graver

verdict, since the appellate judge may increase the sentence.

## **CURTAILMENT OF FREEDOM OF EXPRESSION**

The right to freedom of expression and opinion are specifically stated in Article 19 of the Universal Declaration of Human Rights (UDHR): "Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." However, the existence of a right to freedom of speech and expression is rendered futile by the people who attempt to exercise this right. The expression of any view that contradicts Chinese government policies are deemed anti-national, and the consequences include arrests and detention.

The PRC has constantly denied Tibetan people the basic right to hold their own political, social and religious opinions. As a result, China initiated the 'Strike Hard' campaign in 1996, aimed at eliminating allegiance to the Dalai Lama, the Tibetan Panchen Lama, and Tibetan nationalism. Initially limited to the monastic institutions, the campaign was broadened in 1999 to include all of Tibetan society. In January 1999, China launched an 'atheism' campaign thereby infringing on the right of Tibetans to freely practice their religion. Any peaceful expression of Tibetan nationalism or criticism of Chinese policies can result in imprisonment.

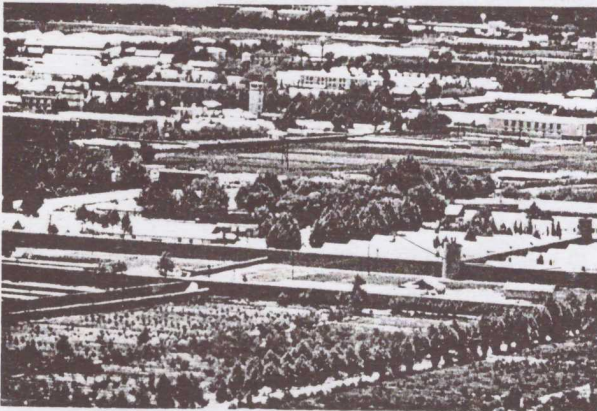
## **ARBITRARY ARREST AND DETENTIONS**

According to the United Nations, an arrest or detention is arbitrary if it is: (a) on the grounds or in accordance with procedures other than those established by law, or (b) under the provision of the law the purpose of which incompatible with the respect for the right to liberty and security of person. All forms of expression contrary to the policies of the Chinese Communist Party are grounds for detention in Tibet. Almost all of the Tibetan political prisoners were arbitrarily arrested and detained. The most common offence resulting in arbitrary arrest and detention is 'endangering state security.' The revised China's Criminal Procedure Law fails to introduce any measures to restrict the incidence of arbitrary arrest, and Tibetans are still at risk of arrest for act or expression which may be contrary to Chinese official ideology. The fundamental problem with criminal procedures in Tibet is that rule of law is usurped by political considerations.

The Working Group on Arbitrary Detention who went to Tibet in October 1997, expressed concern because “even though the nomenclature ‘counter-revolutionary crimes’ has been abolished, the jurisdiction on the State has been allowed to expand and act of individuals in exercise of freedom of expression and of opinion may well be regarded as acts ‘endangering national security’.” This enables the PRC to continue its practice of arbitrary arrest to suppress subversive opinions and in direct violation of each person’s right to liberty and freedom of expression and opinion.

## PRISON CONDITIONS

Prison conditions in Tibet are inhumane. An enormous range of torture methods, physical and psychological, are used to obtain ‘confessions’ or simply as an everyday humiliation. Cells are extremely small for the number of prisoners confined there, and prisoners normally sleep on the floor without any mattress or blanket, even during winter. There are no concerns about hygiene: cells are dirty, sometimes with excrement on the floor; prisoners must often go to toilet in a container in the room, sometimes in the same room where they have to eat; there is very little



*Drapchi Prison*

opportunity to wash themselves, and women are not provided with sanitary supplies for menstruation.

**Jampel Monlam** is one of the many Tibetan political prisoners who spent years behind bars, for exerting his right to

freedom of expression. He spent five years in Drapchi Prison where he was kept in a small cell, with 12 other prisoners. They all slept together in one long bed and shared only one toilet container. During these five years he was able to wash only twice.

Food and water are fundamental human needs, and must be supplied in sufficient quantity. However, Chinese authorities use insufficient food and water as a form of punishment. The prison diet is very poor in quantity and quality. In many cases the food is also extremely dirty and strewn with dead insects.

A number of political prisoners have been put in solitary confinement as punishment for activities as diverse as participating in protests and singing freedom songs. Those prisoners are placed in dark, cramped cells normally 6 ft x 3 ft, often with arms and legs manacled, and their food rations are considerably less than usual. The solitary confinement is reported to be one of the worst experiences in prison. In the 1980's China introduced a new form of solitary confinement, known as the "cold cell". The same small cells are lined with metal sheets in order to drop the temperatures as low as 10° C below.

**Gaden Tashi** was held in solitary confinement for 34 days in Outridu Prison. "For the first three days I experienced unbearable fear and I even felt like committing suicide. That sort of dark cell was considered by most of the prisoners as one of the most frightening things that could happen to us... Whenever there was clear weather and sunshine I could just see my hand in the cell. If the weather was grey, I couldn't tell the difference between day and night. After I was released from that cell, I was blinded for some hours and couldn't see anything".

## **TORTURE IN DETENTION CENTRES**

Countless cruel and degrading torture methods have been described by former political prisoners, ranging from being struck with electric cattle prods and shocked all around their bodies, to being forced to stand on iced ground until the skin of their feet are stuck to it, among many others.

The torture techniques employed in Chinese prisons change from time to time, and the new torture methods are designed to leave no visible traces. Many ex-prisoners reported to have heard, from prison officers, words such as: "Do not hurt him from the outside; disable him with internal injuries."

In addition to physical torture, prisoners are sometimes forced to undergo psychological trauma. Prison officers often threaten to hurt the prisoner's family, pressure them to denounce the Dalai Lama, and force them to accuse other Tibetans

of partaking in illegal political activities.

Tibetan woman political prisoners suffer the most degrading forms of torture. Ruthless beatings, rape, and sexual assault, which includes lacerations of nipples, electric cattle prods being forced into the genitals, and wrapping a charged electric wire around the breasts and body, are among many of the atrocities reported.

In 1997, the International Commission of Jurists conducted interviews with former policemen, judges, and detainees in Tibet, and confirmed that torture of political detainees is a general practice.

## **MEDICAL TREATMENT**

Prisoners are normally hospitalised for severe injuries resulting from torture, or from illness resulting from the unhygienic conditions in which they have been kept. A number of former political prisoners report that when they were in the hospital, their families had difficulty recognising them. If the prisoner recovers, he/she is returned to the prison to finish their sentence.

Prisoners who are hospitalised are generally accompanied to the hospital by prison guards, and in some cases are even handcuffed to the hospital bed. If the hospitalised prisoner shows no sign of improvement, his/her family is made to sign a 'term of responsibility', which means that they are responsible for all medical bills from the date of the term's signature.

If a person is on the verge of a death that is linked to torture, the prisoner is released on "medical parole." This procedure has two main reasons: first, prison clinics are unable to provide prisoners with sufficient care; second, if a prisoner dies outside prison wall, the Chinese government appears less culpable.

## **PROMINENT POLITICAL PRISONERS**

**Tanak Jigme Sangpo**, a 72 year-old former primary school teacher, is the longest serving political prisoner in Tibet. By the time he is released in 2011, at the age of 85, he will have spent 28 consecutive years in prison, with a cumulative total of 41 years. His prison sentence was extended several times while in prison for disobeying

prison officials. In 1988, he received an additional five-year sentence for shouting pro-independence slogans in jail. His sentence was again increased by eight years for raising independence slogans during a delegation visit to Drapchi Prison by Swiss government officials.

**Ngawang Sangdrol** is the longest serving female political prisoner in Tibet, with a total of 21 years prison sentence. Her prison sentence had been increased three times in October 1993, July 1996, and October 1998. Born in 1977, Ngawang Sangdrol is 24 years old and a former Garu nun. She was first arrested and detained for 15 days, when she was only ten years old in 1987, for participating in a demonstration. At the age of 13, she was detained for nine months without charge for joining a demonstration in Lhasa. Her current sentence began in June 1992, when she was sentenced to three years for attempting to stage a demonstration in Lhasa along with other nuns from Garu Nunnery. While in prison, Ngawang participated in the Drapchi Prison protest resulting in the extension of her prison sentence by four years. This last extension of her prison sentence brought her current sentence to 21 years.

**Ngawang Choephel** is a 36 years old Tibetan musician. He was reported missing in April 1995, a month after he travelled to Tibet from India to research traditional Tibetan music. After more than a year, Chinese authorities admitted his detention. He was sentenced to 18 years imprisonment and four years subsequent deprivation of political rights, on charges of espionage activities.

**Ngawang Phulchung** is 39 years old, and was a monk from Drepung Monastery before his arrest. His sentence of 19 years' imprisonment was announced at a public rally on 30 November 1989. He was accused of forming a 'counter-revolutionary' group that had 'clandestinely' produced political leaflets from Drepung Monastery. Ngawang was arrested in April 1989 along with ten other monks from Drepung Monastery. Among the 'reactionary literature' published by the group was a complete Tibetan translation of the United Nations Universal Declaration of Human Rights. On 3 March 1991, he was severely beaten and placed in solitary confinement for trying to hand over a petition regarding prison conditions to an American delegation visiting Drapchi Prison.

