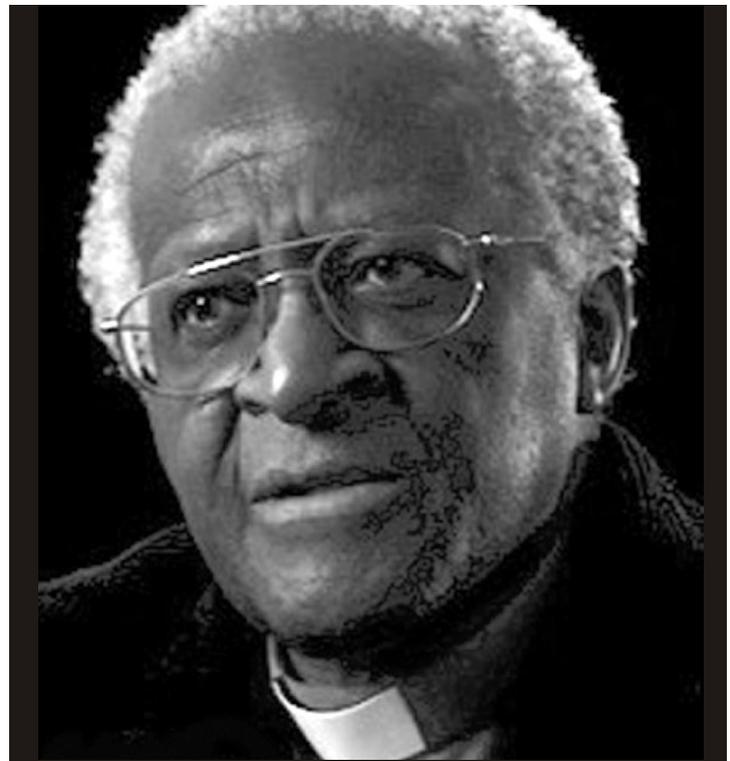


methods of torture of prisoners. New methods of torture are being constantly devised and this has been acknowledged in at least one internal party document in Tibet. (To Control Others, First Control Yourself, H'o Phan in TAR Internal Party Study Document, Issue No 2, September 1989)

Lack of Due Process: In the Chinese legal system the most basic safeguard – the right to be presumed innocent until proved guilty beyond reasonable doubt does not exist. Sentences imposed on political prisoners are often atrociously high in comparison to the degree of the alleged offence. Prisoners are often detained for an extended period without charge and are seldom brought before a court of law. Administrative detention is imposed by police or local authorities without supervision by an independent judiciary. The police have wide powers to impose periods of administrative detention varying from a few days to several years without any judicial review. Though China's Administrative Procedure Act provides for a right to appeal, it is made practically impossible to use it. There is no right to have adequate time and facilities to prepare a defence, or the right to be tried in an open court. Defence argument, when permitted, is restricted to appeal for mitigation of punishment, not for pleading innocence. The role of the judges are restricted to passing sentences determined by the political authorities. It is not surprising, therefore, that Tibetans refer to the judges only as 'sentencing officers'.

Freedom of Movement: In flagrant violation of Article 13 of UDHR, China has imposed a series of rules restricting free movement of Tibetans within their own country. People have to be registered at a particular place where alone they are entitled to reside and buy food. Going from one place to another for any purpose, even for a short duration, requires official permission. There had been many occasions when Tibetans have been expelled from Lhasa to their native villages. It occurred when China was preparing to celebrate the 40th anniversary of the annexation of Tibet on 23 May 1991. Following the crackdown on the demonstrations of 5-7 March 1989, 40,000 Tibetans were expelled from Lhasa to their native villages. In August 1992 the Chinese authorities expelled around 6,000 Tibetans, homeless as well as pilgrims, from the ground behind eastern Lhasa's hospital. The ground is now occupied by Chinese offices and shops.

International Attention on Human Rights Violations: China claim that the PLA entered Tibet to 'liberate' it stands starkly exposed by the 1960 report of the ICJ on Tibet. The report states that China committed systematic violations of human rights in Tibet, including acts of genocide (see 1960 ICJ Report). Three UN Resolutions in 1959 (UNGA Res 1353 (XIV), 1961 (UNGA Res 1723 (XVI) and 1965 (UNGA Res 2079 (XX)), calling on China to respect the human rights of Tibetans, including their right to self-determination, reinforced the findings of the Commission.



"If The World Wants
Non-Violence To Succeed,
Then It Will Have To Help
The Tibetan People
In Their Struggle"

Archbishop Desmond Tutu

More than a million Tibetans have died as a direct result of the Chinese invasion and occupation of Tibet. Today, it is hard to come across a Tibetan family that has not had at least one member imprisoned or killed by the Chinese regime. These facts speak volumes about the 'liberation' and the 'democratic reform' China claims to have brought to Tibet. Independent Tibet was certainly not an embodiment of perfect human society. But it was, by no means, nearly as tyrannical as it is today under Chinese rule. Tibet's two biggest prisons, located in Lhasa, had, at any one time, no more than 30 inmates each. But, following Chinese invasion, the whole of Tibet has been turned into a vast network of prisons and labour camps. China even resorted to the massacre of prisoners to keep the prison population within limits. However, China continues to claim that since its 'liberation,' the people of Tibet have enjoyed wide measures of liberty and freedom. Let us examine the facts:

Killings and Destructions (1949-1979): According to one Chinese source, the PLA 'exterminated' more than 5,700 Tibetan 'soldiers,' and imprisoned more than 2,000 in different areas of eastern Tibet between 7 and 25 October, 1950 (Survey of Tibet Autonomous Region, Tibet People's Publishing House, 1984). Accounts of massacres, tortures and killings, bombardment of monasteries, extermination of whole nomad camps are well documented. Quite a number of these reports have been



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documented by the International Commission of Jurists' (ICJ) 1960 report on Tibet. According to a secret Chinese military document, the PLA crushed 996 rebellions in Kanlho, Amdo, over the period 1952-58, killing over 10,000 Tibetans. (Work Report of the 11th PLA Division, 1952-1958) Similarly, the population of another Amdo area of Golok had its population reduced from about 1,30,000 in 1956 to about 60,000 in 1963. (China Spring, June 1986) Speaking about the same area, the 10th Panchen Lama said: "If there was a film made on all the atrocities perpetrated in Qinghai Province, it would shock the viewers. In Golok area, many people were killed and their dead bodies rolled down the hill into a big ditch. The soldiers told the family members and relatives of the dead people that they should celebrate since the rebels have been wiped out. They were forced to dance on the dead bodies. Soon after, they were also massacred with machine guns." (Speech by the 10th Panchen Lama at a meeting of the Sub-Committee of the National People's Congress in Peking on situation in Tibet, 28 March 1987). The Panchen Lama specifically pointed out: "In Amdo and Kham, people were subjected to unspeakable atrocities. People were shot in groups of ten or twenty... Such actions have left deep wounds in the minds of the people".

In a crackdown operation launched in the wake of the National Uprising of 10 March 1959 in Lhasa, 10,000 to 15,000 Tibetans were killed within three days. According to a secret 1960 PLA Tibet Military District Political Department report, between March 1959 and October 1960, 87,000 Tibetans were killed in Central Tibet alone. (*Xizang Xingshi*, 1960) According to information compiled by the Tibetan administration in exile, over a million Tibetans died between 1949 and 1979. The figure includes deaths in prisons and labour and concentration camps. Compilation of figures based on testimonies of survivors of prisons and labour camps show that throughout Tibet about 70% of the inmates died. For example, in the wilderness of the northern Tibetan plains at Jhang Tsalakha more than 10,000 prisoners were kept in five prisons and forced to mine and transport borax. According to some of the survivors of these camps, every day 10 to 30 died from hunger, beatings and overwork. In a year more than 8,000 had died. Likewise, in the construction of Lhasa-Ngachen Hydro-electric Power Station, now falsely claimed to have been built by the PLA, everyday at least three or four dead prisoners were seen being thrown into the nearby river or burnt. To cite an example from eastern Tibet, from 1960 to 1962, 12,019 inmates died at a lead mine in Dartsedo district, according to a former inmate, Mrs Adhi Tap from Nyarong, Kham.

Tibet Today: The death of Mao Zedong in September 1976 resulted in a change in Chinese policies. The signal tune of that change was economic liberalisation and openness, and even some degree of leniency on political prisoners. But liberalisation and openness, as it turned out, did not signal a change of attitude towards political freedom in Tibet.

In May 1982, 115 Tibetan political activists were arrested and branded as 'delinquents' and 'black marketeers.' More arrests and public executions followed. By the end of November 1983, 750 Tibetan political activists had been jailed in Lhasa alone. On 27 September 1987, hundreds of Tibetans staged a demonstration in Lhasa. In the clamp down which followed on successive demonstrations – including the ones on 1 October 1987 and 5 March 1988 – Chinese police opened fire, killing and critically wounding many on the spot and imprisoning at least 2,500. In July 1988, China's security chief, Qiao Shi, while on a tour of the 'TAR' announced 'merciless repression' of all forms of protest against Chinese rule in Tibet. (UPI, 20 July 1988) The policy was implemented at once. The crackdown on the 10 December 1988 demonstration at Jokhang, the most sacred Tibetan shrine in Lhasa, was witnessed by a Dutch tourist, Christa Meindersma, who recalled "...without any warning, the police opened fire, shooting quite indiscriminately into the crowd. They didn't seem to mind who they hit... as I turned to run I was shot in the shoulder." According to a western journalist who happened to be there, at least one officer was heard ordering his men to 'kill the Tibetans'. The toll on that day was at least 15 killed, over 150 seriously wounded, and many others arrested. However, for three days from 5 March 1989 Lhasa was once again, in turmoil, with demonstrators waving the Tibetan national flag and shouting for independence. During the police crackdown, automatic weapons were fired even into some homes. Estimates of deaths varied from 80 to 400. The official Chinese figure was only 11. According to Tang Da-xian, a Chinese journalist who was in Lhasa at the time, some four hundred Tibetans were massacred, several thousand were injured and three thousand were imprisoned. At midnight on 7 March 1989, martial law was formally imposed in Lhasa. About a year later, on 1 May 1990, China announced the lifting of martial law. 1990. However, as pointed out by the first Australian human rights delegation to China, which was permitted to visit Tibet in July 1991: "Though martial law had indeed been lifted on 1 May 1990, it

continues to exist in all but name'. Amnesty International (AI), in its 1991 report, also confirmed this, adding, 'the police and security forces retained extensive powers of arbitrary arrest and detention without trial.'

In the run up to China's celebration of the 40th anniversary of its annexation of Tibet, 146 'criminals' were arrested on 10 April 1991, and this was followed by more arrests announced at public sentencing rallies. On the day of the celebration the whole of Lhasa was put under curfew. In a sudden clampdown, starting in February 1992, groups of ten Chinese personnel raided Tibetan houses in Lhasa and arrested anyone found in possession of anything deemed subversive; these included photographs, and tapes or books containing speeches or teachings of the Dalai Lama. Over 200 were arrested. Despite all measures of repression, demonstrations continued throughout Tibet after 1987. Available reports confirm that between 27 September 1987 to the end of 1992, there had been more than 150 demonstrations of various sizes throughout Tibet.

"Violation 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." (People's Republic of China: Amnesty International's Concerns in Tibet, AI, London, January 1992, ASA 17/02/92) "All such manifestations (ie. demonstrations and political dissent) of dissatisfaction with Chinese rule – whether peacefully conducted or otherwise – are viewed by the authorities as constituting 'illegal separatist activity,' and those who have led or participated in them have been punished with escalating force and severity. 'Merciless repression' remains in Tibet the order of the day" (Merciless Repression: Human Rights in Tibet, Asia Watch).

Human rights violation in Tibet is all pervasive. Available evidences suggest that China violates with impunity every norm of civilised conduct as laid down in international law, many of which it has undertaken to observe by affirmative acts of ratification, such as the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture), and customary laws of nations such as the Universal Declaration of Human Rights.

Arbitrary Arrests, Incommunicado Detentions, Disappearances and Summary Executions:

Evidences of arbitrary arrests and incommunicado detention often resulting in disappearances, and summary executions are cited in the 1990 report of AI which pointed out that "over 1,000 people, including prisoners of conscience, were arrested after martial law was imposed in Lhasa in March" and that "some of them were summarily executed." It also pointed out that "evidences of persistent human rights violations in Tibet continued to come to light in 1989, including reports of numerous arbitrary arrests, long-term detention without charge or trial, and torture." Under Chinese rule in Tibet, there is no question of informing prisoners of the grounds for their arrest and their right to legal remedies. Arrest warrants are rarely issued or produced. Grounds for arrest and imprisonment seem to be found in any kind of activity. Tibetans have been arrested for speaking with foreigners, singing patriotic songs, putting up wall-posters, possessing copies of an autobiography, video or audio cassette of the Dalai Lama, preparing a list of casualties during Chinese crackdown on demonstrations or for 'plotting' and advising friends to wear the traditional Tibetan costume on Chinese national day. Incommunicado detention is almost routine. Often it is left to the device of the relatives of the arrested person to locate him or her. A person taken into custody is declared arrested only after a period ranging from several days to months, or even years. During the period of the initial detention there is no question of informing the family since he is 'legally' not arrested.

Torture: In Tibet, torture is the only known and expected method of interrogating prisoners. China's signing of the Convention Against Torture on 12 December 1986, and its supposed coming into force at the end of 1988, did not alter the trend. Methods and instruments of torture and ill-treatment have been described by a number of former prisoners. These include indiscriminate beatings with anything available on hand such as electric batons, kicking, punching, with rifle-butt, sticks, and even iron bars. Cruel and degrading methods of torture for the purpose of extracting confessions have been reported. These include setting of guard dogs on prisoners, use of electric batons; especially on women prisoners in extremely perverted and degrading manners, inflicting cigarette burns, electric shocks etc. One recent refugee from eastern Tibet, who was a member of the Chinese Public Security Bureau, described thirty-three