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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE
AND DETENTION**

**Written statement* submitted by the Movement against Racism and for Friendship among
Peoples (MRAP), a non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

TORTURE AND DETENTION IN THE PEOPLE'S REPUBLIC OF CHINA

People's Republic of China has ratified the UN Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment in October 1988 and outlawed certain forms of torture in the revised Chinese Criminal Procedure Law that came into effect in 1997. However, systematic torture is still endemic in the Chinese administered prisons in Tibet. Torture is still being used for purposes of extracting confessions, to defeat Tibetan prisoners' nationalist spirit, to intimidate prisoners and to cause humiliation and mental trauma that affect the prisoners for the rest of their lives.

Since 1987, Tibetan Center of Human Rights and Democracy (TCHRD) has documented 87 known deaths Tibetan prisoners of conscience as a direct result of torture in Tibet. All of these Tibetans died either in Chinese custody or after release from prisons in near death conditions due to torture. Torture techniques include electric shocks, pricking cigarettes on the face, hand or thumb cuffs, feet manacles, suspension from ceiling, exposure to extreme temperature, long period of solitary confinement, deprivation of food, water and sleep, forced labour and forced exercise drills.

In 2003, according to TCHRD records, three known Tibetan prisoners of conscience died due to torture.

On 1 October 2003, Nyima Drakpa, 29, a monk sentenced to nine years' imprisonment term, died in his home after being released on medical parole from the prison. Drakpa's limbs were fractured due to torture while in prison.

On 8 September 2003, Tenzin Phuntsok died. Phuntsok, 74, who was a member of the Chinese People's Political Consultative Conference (CPPCC) was arrested on 21 September 2003 under alleged charges of carrying out political activities and was extensively tortured during interrogation sessions in Nyari Detention Centre.

On 15 January 2004, Yeshe Gyatso, 65, died in his home after being released on medical parole from Lhasa Detention Centre. Yeshe was arrested in June 2003 on alleged charges of political activities and was subsequently sentenced to six years' imprisonment term by the Lhasa Intermediate People's Court.

We wish to highlight some of the following Tibetan political prisoners who have been torture and at present serving imprisonment terms in prison ranging from 15 years to life imprisonment for exercising their fundamental human rights as stipulated in Universal Declaration of Human Rights and other International laws.

LOBSANG TENZIN

On 11 March 1988, he was arrested for participating in a massive pro-independence demonstration against the Chinese rule at Jhorkhang Temple in Lhasa on 5 March 1988. On 19 January 1989, he was charged at the headquarter of Peoples Armed Police as a main culprit and given death sentenced with two-year suspension. However, his death sentence was finally commuted to life sentence due to international protest against Chinese government. At present he is in Powo Tramo Labor Camp and reported to be in very poor state of health.

RIGZIN WANGYAL

He was a laborer of Lhasa Cement Factory at the time of detention. He was first arrested in 1966 for organizing an underground movement and was imprisoned for 16 years in Drapchi Prison. In 1995, he was again arrested for trying to disrupt the Tibet Autonomous Region (TAR) anniversary celebration and sentenced to life imprisonment in 1997. Although he was sent to

Drapchi Prison to serve his sentence, the prison authorities declined to take responsibility for him as he suffers from arthritis. He was then sent to Pawo Tramo Prison in Pawo County, Nyingtri Prefecture, TAR. Due to frequent torture over the years, he can't walk or eat properly at present. It was reported in May 2004 that his health has deteriorated and in critical condition.

SEY KHEDUP

He was arrested in March 2000 on charges of calling for Tibet's Independence, wooden block prints and cassettes containing speeches of the Dalai Lama which Chinese authorities viewed as "endangering national security". Thus, he was sentenced to life imprisonment and now serving his sentence in Drapchi Prison.

The UN Special Rapporteur on Torture was supposed to visit China at the end of June 2004, after the Chinese government had eventually agreed on the terms of reference of such a visit, pending since 1995.

The postponement of that visit, announced by the Chinese government a few days before the expected date for the visit, raises serious questions about the sincerity of the Chinese government's commitment to international cooperation.

MRAP strongly supports and attaches great importance to the Special Rapporteur's visit to China in order to ascertain a true picture of the torture situation in China and Tibet.

MRAP calls upon the Commission on Human Rights to push for the Government of the People's Republic of China:

1. To arrange visit of the UN Special Rapporteur on Torture without further delay, which was postponed last year at the request of the government.
2. Must adhere to its domestic laws as well as its obligations with regard to UN human rights treaties particularly CAT.
3. To ratify the "Optional Protocol on UN Convention Against Torture", "to allow independent international and national agencies to visit places where persons are deprived of liberty."
4. Must allow access the UN Special Rapporteur on Torture to all the Tibetan Political Prisoners.
