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F R E E T I B E T C A M P A I G N

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UN Special Rapporteur on Torture calls on China to act immediately to abolish widespread use of torture

Dr. Nowak also calls for the release of three Tibetan political prisoners who confessed under torture

"Torture remains widespread in China" concluded the UN Special Rapporteur on Torture, Dr. Manfred Nowak, following a visit to China, Tibet and Xinjiang at the end of 2005. In his report (1), Dr. Nowak stated that "he was struck by the strictness of prison discipline and a palpable level of fear and self-censorship when talking to detainees" and confirmed that various torture methods are widely and systematically used. These methods include beatings, use of electric shock batons, hooding, handcuffing for extended periods, submersion in pits of sewage, exposure to conditions of extreme heat or cold, deprivation of sleep, food or water, prolonged solitary confinement, denial of medical treatment and hard labour (see 2 for full list of methods).

"The Rapporteur's findings highlight the gap between China's obligations under five of the major international human rights treaties and the reality on the ground," said Yael Weisz-Rind from Free Tibet Campaign. "Dr. Nowak has pointed out the incentives for the police and security officials to obtain confessions through torture. He also noted the lack of independent, fair and accessible courts and prosecutors, as well as the ambiguity of the domestic law regarding political crimes (3), policies of re-education and sanctions of freedom of religion, expression and association. The situation in Tibet is aggravated by discriminatory treatment of Tibetans and the targeting of political prisoners."

The Rapporteur, on his fact-finding mission a visit to Tibet's capital, held on-site inspections of detention facilities in Lhasa Prison No.1, Tibet Autonomous Region Prison (Drapchi Prison) and the recently opened Chushur (Chinese: Qushui) Prison. In spite of time constraints and limited cooperation by the authorities, such as limited access to prison registers, staff and inmates, the Rapporteur was able to assess the level of repression and maltreatment using information from alternative sources such as ex-prisoners' testimonies (4). The Rapporteur was particularly concerned with sanctions placed on Tibetan monks, including prohibition on prayers and the conduct of religious worship. In Chushur Prison concern was also expressed that some prisoners are held in their cells most of the day, only being "allowed outside of their cells for 20 minutes per day". In addition, the lack of proper work and recreation facilities for long-term prisoners is common place. Dr. Nowak also noted complaints about "the food, the extreme temperatures experienced in the cells during the summer and winter months and a general feeling of weakness due to lack of exercise".

During the visit to Lhasa the Rapporteur met with the Vice-Chairman of the TAR, Nima Tsering, local officials from the Office of Foreign Affairs, the People's Court, the Procuratorate and the Departments of Justice and Public Security. However, none of these officials informed him of the existence of the newly established Chushur Prison, near Lhasa; a prison to which many Tibetan political prisoners had been transferred months before. His attempts to meet ten Tibetan political prisoners were therefore unsuccessful and he was finally able to meet only three: Lama Jigme Tenzin (Bangri Tsamtrul Rinpoche), monk Lobsang Tsuitrim and Jigme Gyatsu.

The three political prisoners testified to being subjected to severe torture during their interrogation, including beatings with and without sticks or plastic pipes, electric shocks,

being tied up in painful positions, hooding, deprivation of food and medical treatment and incarceration in dirty, dark cells for lengthy periods. (Torture is commonly used during interrogations to extract confessions and break the detainees' spirit). The report noted that they are still subject to mental and physical torture including isolation in their cells; restricted communication with family and family visits; lack of work and recreation activities; and the denial of religious activities and prayers.

Specifically the report mention that Bangri Rinpoche suffers from heart disease and gall stones which are not being treated by the authorities. The Rapporteur concluded in all three cases that "since (they have) been convicted of a political crime, possibly on the basis of information extracted by torture, the Special Rapporteur appeals to the Government that (they) be released".

"Considering the gravity of these findings and the continuous suffering of the victims, the international community must not waste further time and act immediately to pressure China to end all use of torture and bring to justice those responsible," added Yael Weisz-Rind. "We expect the UN Human Rights Council to play a significant role when reviewing this report. This would be an important indication that the Council will depart from past failures of the Commission on Human Rights and work towards the success of the recent UN reforms". (5)

The report includes a set of 23 recommendations for China to act upon, as matter of urgency, in-order to abolish the use of torture. These include setting up mechanisms of investigation and prosecution of perpetrators of torture; prevention through safeguards in the criminal law system; ratification of international conventions and their implementation; the abolition of political crimes from domestic law; the guaranteeing of freedom of speech, assembly, association and religion; and the abolition of forced re-education in detention.

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Notes:

(1) The full report of the UN Special Rapporteur on Torture's visit to China, UN index: E/CN.4/2006/6/Add.6 is available at www.freetibet/stoptorture

(2) Para. 45 p. 14 E/CN.4/2006/6/Add.6: "The methods of torture alleged include, among others: beatings with sticks and batons; use of electric shock batons; cigarette burns; hooding/blindfolding; guard-instructed or permitted beatings by fellow prisoners; use of handcuffs or ankle fetters for extended periods (including in solitary confinement or secure holding areas); submersion in pits of water or sewage; exposure to conditions of extreme heat or cold; being forced to maintain uncomfortable positions, such as sitting, squatting, lying down, or standing for long periods of time, sometimes with objects held under arms; deprivation of sleep, food or water; prolonged solitary confinement; denial of medical treatment and medication; hard labour; and suspension from overhead fixtures with handcuffs. In several cases, the techniques employed have been given particular terminologies, such as the "tiger bench", where one is forced to sit motionless on a tiny stool a few centimetres off the ground; "reversing an airplane", where one is forced to bend over while holding legs straight, feet close together and arms lifted high; or "exhausting an eagle", where one is forced to stand on a tall stool and subjected to beatings until exhaustion. Several of these forms of torture have been corroborated by studies carried out by Chinese academics (Chen Yunsheng, "Towards Human Rights and the Rule of Law - Anti-torture Analysis", China Social Science Publishing House, September 2003, first edition.) On the basis of the information he received during his mission, the Special Rapporteur confirms that many of these methods of torture have been used in China."

(3) Para. 34 p. 11 E/CN.4/2006/6/Add.6: "Political Crimes: While the crimes of "counter-

revolution" and "hooliganism" were removed from China's CL in 1997, they were replaced with equally vague crimes such as "endangering national security" which is applied to a broad range of offences (arts. 102-123), "splitting the State or undermining the unity of the country" (art. 103), "armed rebellion or armed riot" (art. 104), "subverting the State power or overthrowing the socialist system" (art. 105), "espionage" (art. 110) and "stealing, spying, buying or unlawfully supplying State secrets or intelligence to individuals outside the territory of China" (art. 111). The vague definition of these crimes leaves their application open to abuse particularly of the rights to freedom of religion, speech, and assembly."

(4) Free Tibet Campaign, together with International Campaign for Tibet and Tibetan Centre for Human Rights and Democracy, provided the Rapporteur with a report outlining their main concerns and a list of current prisoners, released political prisoners and death-in-detention cases that should be included in his investigations. It was co-signed by 18 other Tibet support groups. See:
<http://www.freetibet.org/campaigns/stoptorture/specialrapporteurletter.html>

(5) The UN Commission on Human Rights referred all reports of its mechanisms to the newly established Human Rights Council for further consideration at its First Session in June 2006.

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The views expressed here are not necessarily those of Free Tibet Campaign.

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