

**Non-governmental Organization:**  
**INTERNATIONAL CAMPAIGN FOR TIBET (ICT) (<http://www.savetibet.org/>)**

**Country where ICT operates:**

**PEOPLE’S REPUBLIC OF CHINA (Tibet Autonomous Region –TAR- & Tibetan Autonomous Regions included in the Chinese Provinces of Gansu, Yunnan, Qinghai and Sichuan). ICT works to promote human rights and democratic freedoms for the people of Tibet. Through close connections with individuals inside Tibet (TAR and Tibetan Autonomous Regions), ICT monitors and reports on the current conditions for Tibetans. ICT also works with Chinese institutions and individuals to build trust and improve relationships between Tibetans and Chinese.**

**1. a) Please indicate if your country has a specific legal framework, laws or regulations that aim to facilitate or protect the activities and work of human rights defenders. Please cite the names of any such laws or regulations in full.**

A 2004 amendment to the Constitution of the People’s Republic of China added that the “state respects and preserves human rights,” however, apart from this explicit mention of human rights, **there is no legal framework devised with the aim of protecting human rights defenders. A number of measures offer protections for human rights defenders, however in practice, these are often disregarded.** These measures include:

Measures within the <b>Constitution of the People’s Republic of China, Chapter II</b> deals with the fundamental rights and duties of citizens <sup>1</sup>	
Article 33, addendum in Amendment IV in 2004	“The state respects and preserves human rights.”
Article 35	Protecting freedom of speech, assembly, and association
Article 36	Protecting freedom of religious belief
Article 37	Protecting against unlawful deprivation of freedom and unlawful search
Article 38	Protecting against libel and “false frame-up”
Article 39	Protecting against unlawful search of home
Article 40	Protecting freedom and privacy of correspondence
Article 41	Citizens have the right to criticize and make suggestions to the state
Article 47	Freedom to engage in cultural pursuits
Measures within the Law of the People’s Republic of China on Regional National Autonomy or the <b>Ethnic Regional Autonomy Law of 1984</b>	
Article 11	Protecting freedom of religious belief to various nationalities
Article 25	Allowing for regional autonomous areas to make plans for economic development “based on local characteristics”
Article 28	Allowing agencies in autonomous areas to manage and protect

<sup>1</sup> <http://www.cecc.gov/pages/newLaws/constitutionENG.php>

	natural resources
Article 37	Allowing autonomous areas to independently develop education
Article 38	Allowing autonomous areas to independently develop literature, art, the press, and other cultural undertakings with characteristics unique to the nationalities
Article 45	Agencies in autonomous areas shall protect and improve the ecological environment
Article 47	In hearing of cases in autonomous areas, courts shall use the language commonly used in the locality
Article 66	State shall undertake large scale conservation in minority areas
<b>Criminal Law adopted 1997, Chapter IV: Crimes of Infringing Upon Citizens' Right of the Person and Democratic Rights<sup>2</sup></b>	
Article 238	Punishment for those who arbitrarily detain individuals, harsher punishment for State organs
Article 243	Punishment for those who lie to put someone in custody, harsher punishment for State organs
Article 245	Punishment for unlawful search of body or property, harsher punishment for State organs
Article 246	Punishment for those who commit libel, harsher punishment for State organs
Article 247	Punishment for judicial officers who extort confession through torture
Article 248	Punishment for policemen and officers who beat prisoners or mistreat them
2010 Amendment	Decrease in the number of capital offenses
<b>Criminal Procedure Law adopted in 1997, Chapter IV: Defense and Representation<sup>3</sup></b>	
Article 32	Permitting criminal suspects a defense and someone to defend them
Article 33	Permitting criminal suspects to give their case to a defender at the same time that the prosecution receives the case
Article 34	Should the criminal suspect not have a defender, the State will appoint a defender
Article 36	Granting defense lawyers access to evidence
Article 37	Granting defense lawyer access to witnesses
Article 39	Defendant may change lawyers during trial
Article 43	Prohibiting extorting confession or evidence by torture
Article 49	Protecting the safety of witnesses and their relatives
Article 64	Public Security must produce a detention warrant in order to detain a person, family must be notified of detainee's whereabouts within 24 hours of detention
Article 65	Protecting against arbitrary detention, detainee must be released

<sup>2</sup> <http://www.cecc.gov/pages/newLaws/criminalLawENG.php>

<sup>3</sup> <http://www.cecc.gov/pages/newLaws/criminalProcedureENG.php>

	if interrogation (within 24 hours of detention) shows that detention was unmerited
Article 71	Public Security agents must produce an arrest warrant in order to make an arrest, family must be notified of the individual's whereabouts within 24 hours of arrest
Article 72	Protecting against arbitrary arrest, arrestee must be released if interrogation (within 24 hours of detention) shows that arrest was unmerited
<b>2010 Guidelines on Rules on Evidence Obtained by Torture<sup>4</sup></b>	
For Capital Cases	Evidence obtained through torture may not be used to convict defendants
For Non-Capital Cases	Defendants may request pre-trial hearing to dispute any evidence that may have been obtained through torture
<b>State Compensation Law, enacted 1994</b>	
2010 Amendment	Shall a detainee die or be incapacitated in custody, authorities must provide evidence proving that they are not responsible

**b) Please indicate how these laws and regulations are in line with international human rights standards, including, but not limited to, the Declaration on Human Rights Defenders.**

As they are written, the measures listed above comport with many international human rights standards; though, apart from the 2003 Constitutional amendment, **there is little explicit recognition or promotion of human rights. While there are not legislative mechanisms explicitly protecting or promoting some of the rights and freedoms outlined in the Declaration on Human Rights Defenders (DHRD), Chinese law does technically provide for some of the rights in the DHRD** including: freedom of assembly, participation in governmental affairs, and the freedom to provide suggestions and complaints to the government. **However, in practice, these provisions in Chinese law are often disregarded, especially as relates to minorities.**

While technically allowed to freely assemble, protests by Tibetans are sometimes met with lethal force<sup>5</sup>, and state security agents maintain a heavy presence in many Tibetan areas leading to intimidation, disrupted travel, and a reluctance to freely assemble.<sup>6</sup> While Tibetans are legally provided with a role in their governance, in practice the majority of cadres governing Tibetan areas are not of the Tibetan nationality, and according to the United States 2011 Country Report on Human Rights in China, in the Tibetan Autonomous Regions “the top CCP position of TAR Party Secretary continued to be held by an ethnic Han, and the corresponding position in approximately 90 percent of all TAR counties was also held by an ethnic Han. Also within the TAR, ethnic Han continued to hold most of the top

<sup>4</sup> <http://www.law.berkeley.edu/8609.htm>

<sup>5</sup> <http://www.nytimes.com/2012/01/28/world/asia/chinese-police-fire-on-tibetan-protesters-again.html>

<sup>6</sup> <http://www.rfa.org/english/news/tibet/checks-05102012142812.html>

security, military, financial, economic, legal, judicial, and educational positions.”<sup>7</sup> Despite protections for Chinese citizens (including minority nationalities) to petition the government with suggestions or complaints past instances of detention<sup>8</sup> for petitioning serves as a deterrent to others submitting complaints.

**c) Please also indicate what legal or administrative safeguards are put in place to prevent baseless legal action against and/or prosecution of human rights defenders for undertaking their legitimate work.**

**Again, while there are laws protecting citizens from baseless legal action including laws against libel and lying about an individual’s guilt, these laws are not fully respected. Instead, other legal provisions exist, discouraging due process in protecting the criminally accused.** On its face, Article 306 of the Criminal Law which makes lawyers subject to prosecution for evidence fabrication, seems to protect against baseless legal action. However, in practice, the Chinese state has used this against criminal defense lawyers who gather their own evidence separate from the state prosecution. **Because of this law, defense attorneys rarely make their own cases and instead must rely on debunking the prosecution.**<sup>9</sup> Additionally, despite the right to counsel of one’s choosing, in practice in many cases, especially in Tibetan cases, defendants are not always granted attorneys<sup>10</sup> and defense attorneys are intimidated from taking Tibetan clients and face losing their license to practice law over the clients they represent.<sup>11</sup> And while the administration of criminal proceedings in Tibetan Autonomous Areas is technically required to be in Tibetan language, this is not always practiced, and many Tibetan defendants and their families have little idea of the charges or the case made against them.<sup>12</sup>

**2. a) Please describe the measures taken, if any, to ensure that your country’s national security-related laws (including laws on public order, public safety, respect for morals and counter-terrorism laws) are not used to unduly restrict the scope of activities of human rights defenders.**

Chinese laws on national security are frequently used to restrict the scope of Tibetan human rights defenders. Please refer to the response to 3. a) for more specifics on how this is carried out.

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<sup>7</sup>[http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=187481](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=187481)

<sup>8</sup> <http://www.tibetcustom.com/article.php/2009121216243859>

<sup>9</sup> <http://www.cecc.gov/pages/annualRpt/annualRpt11/AR2011final.pdf>, pg. 82

<sup>10</sup> <http://www.savetibet.org/media-center/ict-news-reports/monks-imprisoned-10-13-years-following-self-immolation-kirti-monk>.

<sup>11</sup> <http://www.savetibet.org/media-center/ict-news-reports/protests-and-harsh-sentences-continue-tibet>

<sup>12</sup> <http://www.savetibet.org/media-center/ict-news-reports/founder-tibetan-cultural-website-sentenced-15-years-closed-door-trial-freedom-expression-c>

**b) Please also indicate in particular how these national security-related laws respect the human right to freedom of expression and opinion.**

Chinese national security-related laws do not respect the human rights to freedom of expression and opinion. Instead, **China defines “national security” crimes sweepingly, including criticism of the ruling Communist Party and the government as well as peaceful advocacy for autonomy or independence by ethnic minority groups such as Tibetans and Uighurs.**

**3. a) Please describe the measures taken, if any, to ensure that provisions of the criminal code, or other national laws, are not ambiguous or too broad to allow their arbitrary use, thereby restricting the activities of human rights defenders.**

In China, no measures have been taken to ensure what is stated above. On the contrary, on 14 March 2012, the National People’s Congress passed a vote to amend China’s Criminal Procedure Law (CPL) legalizing the secret detention (incommunicado detention). This would empower the police to secretly detain human rights defenders, government critics or anyone accused of “endanger[ing] state security”, “terrorism” and certain “bribery cases” for up to six months.

**Tibetan human rights defenders (as well as other minorities) are even more vulnerable in these circumstances as they are often detained and sentenced on charges such as “splittism”, “incitement to split the nation”, “endangering national security”, and “promoting Tibetan national identity”.**

Article 73 of the revised CPL allows for people to be placed under 'residential surveillance' in locations other than their homes or formal detention centres for up to six months if they are believed to be involved in 'endangering state security', 'terrorism' or 'major bribery'. Families must be informed within 24 hours that their relative has been placed under 'residential surveillance' but police are not obliged to disclose the location or the reason for the detention if it may 'hinder the investigation'. A clause in an earlier draft of the law, which proposed that families would not be notified at all if doing so would obstruct the investigation, was dropped. Although families will now, in theory, be informed that their relatives have been taken, the fact that they will be held outside of formal detention centres significantly increases the risk that they will be ill-treated.

More information:

<http://www.frontlinedefenders.org/node/17752>

<http://www.hrw.org/news/2012/03/12/china-don-t-legalize-incommunicado-detentions>

<http://www.savetibet.org/media-center/ict-press-releases/tibetan-writer-woeser-receives-prince-claus-award-outstanding-cultural-achievement-and-i>

**b) Please indicate what legal or administrative safeguards are in place in order to ensure that human rights defenders are not discriminated against in the administration of justice, be it through the handing down of disproportionate sentences, the unreasonable prolongation of criminal or other trials, or any other means.**

No specific legal provisions or administrative safeguards are in place for human rights defenders. However, Chinese law does technically provide for the right of people not to be discriminated against in the administration of justice. **Yet, in practice, these provisions in Chinese law are often disregarded, especially as relates to minorities.**

Three major cases of Tibetan human rights defenders who have been discriminated against, sentenced and/or detained illustrate how Tibetans are particularly discriminated against in the administration of justice.

### **TSERING WOESER**

On 29 February 2012 Tibetan human rights defender and writer Beijing-based Tsering Woeser was placed under house arrest and told that she would not be permitted to attend a 1 March ceremony in Beijing held in her honor by the Dutch-based Prince Claus Fund. She was named a Prince Claus Fund laureate for her outstanding achievements in the field of culture and for “her courage in speaking out for those who are silenced and oppressed”.

On 1 March she posted a note on her blog saying that the previous evening two officers from the State Security unit of the Beijing Public Security Bureau had come to her apartment. Woeser's husband, who spoke to them, was told that Woeser was forbidden from attending the prize ceremony in the residence of the Dutch Ambassador, due to take place on the same day. Furthermore, the agents informed her husband that Woeser would be placed under house arrest for the month of March. A car with police inside had been stationed on the street outside her apartment. Woeser noted that this is the first time a Chinese recipient of the Prince Claus Award (note: belonging to the Tibetan minority) has been prevented from collecting the award. She also noted that in the two months before the awarding of the prize, on four occasions she had been 'invited to drink tea' by the police - a euphemism for being questioned.

### **SAMDRUP BROTHERS**

The Samdrup brothers are known for their important work on environmental protection in Chamdo area of eastern Tibet. They set up a grassroots environmental organization, the *Snowlands Great Rivers Environmental Protection Association*, engaging local villagers with initiatives of litter collection, monitoring of illegal hunting, and the planting of thousands of trees.

Charges against the three brothers, whose environmental work was acclaimed both within China and internationally, are widely regarded to have been rigged after their efforts to stop the poaching of endangered animals in their home area in the Tibet Autonomous Region clashed with the local authorities. 44-year-old Rinchen Samdrup (recipient of a major Ford

Motor Company award for nature conservation) was sentenced to five years in prison in July 2010. His younger brother, 42-year-old Karma Samdrup, was sentenced to 15 years and was severely tortured in detention. Their brother Chime Namgyal, serving 21 months in a labour camp, can no longer walk or eat without assistance as a result of his torture by authorities. Karma Samdrup's situation is particularly worrying as local sources reported to ICT that he was seriously ill but was not given medical parole. He is believed to be held in the same place as the lawyer Gao Zhisheng at Shaya prison in Xinjiang.

In October 2010 Environmentalists from Asia, Europe and the US have called for the release of the three brothers. The statement, signed by organizations including the *Environmental Investigation Agency* based in the UK and activists including Gordon Roddick, reports that the sentencing of the three Tibetan brothers on trumped-up charges not only has terrible consequences for individuals involved, but also significant implications for emerging civil society in China.

## **JIGME GURI**

The United Nations Working Group on Arbitrary Detention raised a significant number of cases of arbitrary detention of Tibetans last year as evident in documents A/HRC/19/44 submitted to session of the Council. On 30 August 2011, the Working Group together with the mandates on Disappearances, Freedom of Religion or Belief and Minority Issues conveyed a joint urgent appeal to the Chinese authorities concerning the detention of a Tibetan monk, Jigme Guri, who was recently arrested for the fourth time since 2006. His third arrest (the cause for the joint urgent appeal), on 3 September 2008, came following a 20-minute video of Jigme Guri—showing his face, using his real voice and real name—provided a complete testimony on the events of March 2008 in Tibet and voiced the hopes of ordinary Tibetans. His video was posted online and internationally publicized.

On 1 January 2012, the Kanlho Tibetan Autonomous Prefecture issued a procuratorate-approved arrest warrant for Jigme Guri. The warrant stated that Jigme was charged with engaging in activities aimed at splitting the country. Under the Chinese law, once the procuratorate organs approve a case and issues arrest warrant, the person accused will mostly likely be charged and sentenced. There are serious fears for his welfare because of the security crackdown in the area, his three previous detentions within the last five years, and his determination to make the truth of the situation in Tibet known publicly.

More information:

<http://www.savetibet.org/media-center/tibet-news/statement-support-three-environmentalist-brothers-tibet-global-conservation-activists>

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A\\_HRC\\_19\\_44\\_EFOnly.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A_HRC_19_44_EFOnly.pdf) (page 70)

<http://www.voanews.com/tibetan/archive/2008-09/2008-09-03-voa1.cfm>

<http://www.dossiertibet.it/news/jigme-guris-impending-sentence-arrest-warrant-surfaces>

**4. a) Please indicate if your country has specific laws or administrative rules governing the registration, functioning and funding of non-governmental organisations. Please cite the names of any such laws or regulations in full.**

Article 35 of the Constitution of the People's Republic of China (PRC) defines freedom of association:

“Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”

In 1989 the PRC adopted the *Regulations on the registration and management of social organizations*<sup>13</sup>, to regulate status of local non-governmental organizations (NGOs) in the context of the new policy known as “Reforms and Opening up”.

According to this regulation, the NGOs had to first refer to a governmental agency, selected according to the area in which they operated, which was to verify their suitability according to the Chinese legal framework and support their formal recognition. Later, it was possible to request the official registration at the Ministry of Civil Affairs (MOCA) or its provincial and municipal agencies. In fact, the governmental agency was used to control the activities of NGOs and submit an annual report to the MOCA on the NGOs under their supervision.

The *Regulations on registration and administration of social organizations*<sup>14</sup> and the *Provisional regulations on the registration and management of popular non-enterprise work units*<sup>15</sup> adopted in 1998, along with the *Regulations on the administration of foundations* of 2004<sup>16</sup> were adopted to register and administer the increasing number of NGOs spreading across China.

First, a new classification system for NGOs was established, dividing all private entities that act as non-profit organizations outside the state apparatus into 2 main categories: *social organizations* (SOs) and the *popular non-enterprise work unit*, known as *non-Governmental and non-commercial enterprises* (NGNCEs), a category which encompasses all NGOs excluded from the classification of 1989. Both SOs and NGNCEs can be commonly defined as

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<sup>13</sup> People's Republic of China, *Regulations on the registration and management of social organizations*, adopted in 1989.

<sup>14</sup> People Republic of China State Council, *Regulations on registration and administration of social organizations*, order n. 250, 25 September 1998.

<sup>15</sup> People Republic of China State Council, *Provisional regulations on the registration and management of popular non-enterprise work units*, 25 September 1998.

<sup>16</sup> People Republic of China State Council, *Regulation on the administration of foundations*, 8 March 2004.

NGOs, and from the analysis of the legislation on its treatment, it is possible to delineate the status of NGOs in China.

Art. 2 of the *Regulations on registration and administration of social organizations* defines SOs:

“In these regulations social organization means voluntary groups formed by Chinese citizens in order to realize a shared objective, according to their rules and to develop non-profit making activities”.

It is important to note that international NGOs are not included in this classification.

Article 2 of the *Provisional regulations on the registration and management of popular non-enterprise work units* defines instead the NGNCEs:

“What these regulations refer to as popular non-enterprise work units indicates social organizations carrying out social service activities of a non-profit nature, run by enterprise and institutional work units, social groups and other social forces, and also individual citizens using non-state assets”.

In this case, organizations funded by non-Chinese citizens are also contemplated.

To register, NGOs must be approved by a governmental agency of reference, the *professional leading unit* (*danwei yewu zhuguan*), depending on the sector in which they operate; then, they are eligible to register at the MOCA or its municipal and provincial agencies, the so called *registration and management agencies*. Registration with MOCA or its local agencies is not an option but an obligation for NGOs that want to gain official recognition, in order to take legal personality in China and to conduct their activities openly.

The legislation regulating NGOs in China is based solely on executive and legislative documents, which would require congressional approval of the Chinese people. The Chinese Communist Party (CCP) has intentionally established a legal framework which is at the same time normative but easily renewable, depending on the political situation of the moment.

Year	English name	Chinese name	Status
1950	Interim procedures on the registration of social organizations	<i>Shehui tuanti dengji zaxing banfa</i>	Revoked
1989	Regulations on the	<i>Shehui tuanti dengji</i>	Revoked

	registration and management of social organizations	<i>guanli tiaoli</i>	
1998	Regulations on registration and administration of social organizations	<i>Shehui tuanti dengji guanli tiaoli</i>	In force
1998	Provisional regulations on the registration and management of popular non enterprise work units	<i>Minban fei qiye danwei dengji guanli zanxing tiaoli</i>	In force
2004	Regulations on the administration of foundations	<i>Jijinhui guanli tiaoli</i>	In force

The Chinese government policy towards foreign NGOs wishing to operate in China is very controversial. While China has not opposed the entry of international NGOs in their territory, it has not officially defined their status within the Chinese state. The attitude of the government against foreign NGOs is that of not recognizing yet not forbidding them, so that there is no legislation governing the recognition and registration of foreign NGOs in China. Because of the complexity of the phenomenon, there are no official statistics on the number of foreign NGOs in China. However, following an investigation conducted by MOCA in 2006, it was estimated that the international NGOs that somehow do business in China are about 6,000.

The first law on the management of foreign organizations, although they are not NGOs, was the *Temporary Regulations on Foreign Chambers of Commerce* in 1989. Despite requests from international NGOs to be registered at the MOCA, so far this possibility has only been reserved to the Chambers of Commerce, after approval by the Ministry of Foreign Economy and Trade (MFET). Even in this case, a system of "double registration" is maintained as provided for Chinese NGOs, with the difference that the MFET is not implementing a continuous monitoring activity of the Chambers of Commerce abroad as the professional leading units do with Chinese NGOs. Another document issued to define the status of foreign organizations is the *Regulations on the administration of foundations* (2004), previously mentioned. In this case you get closer to the NGOs, since foundations are private non-profit organizations established on the basis of a private fortune. Although foundations and NGOs are different entities from a legal standpoint, this legislation can be considered a further step towards legal recognition of international NGOs in China. Article 6 states that

for foundations, both Chinese and foreign, registration must be made at the MOCA or its local agencies. Article 7, however, in this case also confirms the mechanism of "double registration": foreign foundations must also have a Chinese partner to act as a professional leading unit, recognizing and supervising their activities.

**The authorities have targeted Tibetans who work for international NGOs, which often can serve as an avenue for training and professional advancement for educated individuals in developing countries, and have severely limited the ability of these organizations to work in Tibet. Tibetan NGO workers are heavily monitored, enduring interrogations, threats and, in some cases, detention. Nearly every international NGO that had previously worked in the Tibet Autonomous Region (TAR) has been forced to leave, with the effort to drive them out intensifying after the March 2008 protests. Those that remain often have a preponderance of Han local staff members and programmatic agendas that have a high degree of overlap with those of the authorities. A similar squeezing of international organizations, particularly those that work primarily with Tibetans, has taken place in Tibetan autonomous areas of Qinghai, Sichuan, Gansu and Yunnan provinces.** Tibetan staff of NGOs who remain working in these areas report new difficulties in getting travel documents and have been told that they must quit their jobs in order to receive passports. They have also reported an increased frequency in contacts by security personnel since 2008, including regular questioning and other harassment<sup>17</sup>.

**b) Please explain how these legal or administrative provisions comply with your country's international human rights obligations regarding the right to freedom of association.**

The rights of organizations are rooted mainly in the *right of association* as a right of an organization to function freely without interference from the State. **This approach has not been effectively implemented in the legal framework governing NGOs provided by the People's Republic of China.** In fact, the State operates a strong control over the organizations that develop within its borders. Moreover, if the international order backs the right of association to the individual sphere, the Chinese state has repeatedly stressed that the right of organizations to exist is not derived from the individual's right to associate, but rather is a right recognized for the well-being of the society. The leaders of the Chinese Communist Party do not consider NGOs as organizations representing the interests of the people, nor do they agree that individuals have the right to assemble without the approval of the Party.

**6. Please indicate the measures taken, if any, to ensure that internal security and official secret-related laws are not used to deny freedom of information to human rights defenders and to prosecute them for their efforts to seek and disseminate information on the observance of human rights standards.**

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<sup>17</sup> ICT report *60 Years of Chinese Misrule – Arguing Cultural Genocide in Tibet*, <http://www.savetibet.org/media-center/ict-press-releases/new-report-finds-elements-cultural-genocide-tibet>, pp. 103-104.

In China, **no measures have been taken** so far to ensure that internal security and official secret-related laws are not used to deny freedom of information to human rights defenders. Moreover, people acting as human rights defenders by seeking and disseminating information on the observance of human rights standards are often prosecuted with charges of 'endangering state security'. This is particularly true for Tibetan human rights defenders who are also normally accused of "inciting to split the nation" whenever they advocate for or disseminate information about the observance of international human rights standards. The case of Jigme Guri in response 3.b) is representative of this mistreatment.

As an example, an official Chinese government directive in eastern Tibet was posted publicly throughout all eight counties of Kanlho (Chinese: Gannan) Tibetan Autonomous Prefecture in Gansu province (Tibetan area of Amdo), according to Tibetan exile sources who are in possession of an original copy<sup>18</sup>. **It calls on the public to inform on individuals engaged in "splittism," warns that officials will "severely crack down" on Tibetans who engage in these activities, and aims to curtail information from leaving Tibet.** The public directive, issued in Tibetan and Chinese, was reportedly posted on 9 March 2012, one day before many Tibetans observe the anniversary of their Uprising Day in 1959. While harsh punishment – detention, torture, imprisonment and ill treatment – has long been the norm for Tibetans allegedly taking part in political and awareness raising activities, the elements of the new directive signal an acknowledgment by the authorities that harsh punishment alone is failing to deter Tibetans from confronting the authorities however they can. The directive calls upon the public to "expose and report on anyone committing illegal activities harming social stability," and offers a "minimum" reward of 5,000 yuan (about US \$796) to "anyone who reports such criminal activities to public security organs." Acknowledging the potential for animosity alongside the deteriorating effects these measures will have amongst the Tibetan community, as well as the potential for further escalating tensions in the area between Tibetans and Chinese, officials pledge to "provid[e] personal protection," and promise that informants' "identities will be kept confidential."

Finally, according to the United States 2011 Country Report on Human Rights in China, in the Tibetan Autonomous Regions **"Tibetans who spoke to foreign reporters, attempted to relay information to foreigners outside the country, or communicated information regarding protests or other expressions of discontent through cell phones, e-mail, or the Internet were subject to harassment or detention.** The whereabouts of 59 individuals convicted in 2009 for "creating and spreading rumors" after the 2008 unrest remained unknown. Lhasa residents reported they avoided sensitive topics even in private conversations in their own homes."<sup>19</sup> Domestic journalists generally did not report on

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<sup>18</sup> See ICT report : <http://www.savetibet.org/media-center/ict-news-reports/chinese-government-addresses-unrest-tibet-threats-and-cash-informants>

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[http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=187481#wrapper](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=187481#wrapper)

repression in Tibetan areas, and the postings of bloggers who did so were promptly censored, and their authors sometimes faced punishment.

**7. a) Please indicate the measures taken, if any, to avoid the use of defamation, slander or blasphemy laws to unduly restrict the right to freedom of opinion and expression of human rights defenders.**

**None.**

**b) How is it ensured that such laws, as well as laws on printing, publication and censorship, comply with international human rights standards and do not target human rights defenders carrying out their legitimate work?**

In the PRC, not only have measures to avoid the restriction of the right to freedom of opinion and expression of human rights defenders not been taken, but **laws on printing, publication and censorship fail to comply with international human rights standards and target human rights defenders carrying out their legitimate work.**

Tibetan scholars and intellectuals, often acting as human rights defenders, have been persecuted through torture, arbitrary arrests, and lengthy jail sentences. For the first time since the end of the Cultural Revolution in 1976, singers, artists, and writers have been the targets of a drive against Tibetan culture in which any expression of Tibetan identity in a manner not validated by the state is labeled “splittist” and viciously suppressed<sup>20</sup>. Since 2008, over 80 Tibetan intellectuals/human rights defenders have been either imprisoned, have “disappeared” or faced torture or harassment. More than 50 Tibetans have paid a price for peacefully expressing their views through the literary or performing arts<sup>21</sup>. For example: Kunchok Tsephel was sentenced to 15 years in prison on charges of disclosing state secrets; Drogru Tsultrim was accused of sedition and supporting “motivations of Dalai Lama supporters” in his articles and banned Tibetan-language journal *Khawal Tsesok* or *Lifeline of the Snow*; and Tashi Rabten, the author of *Written in Blood* and the editor of *Shar Dungri* or *Eastern Snow Mountain*, a collection of essays about the 2008 protests in Tibet, is serving a four-year prison sentence.

Another interesting case is that of the influential writer Tagyal (pen name Shogdung), who was arrested on 23 April 2010 and released on bail pending trial in October 2010<sup>22</sup>. His case is significant because he was considered an “official” Tibetan intellectual with views

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<sup>20</sup> ICT report *60 Years of Chinese Misrule – Arguing Cultural Genocide in Tibet*, <http://www.savetibet.org/media-center/ict-press-releases/new-report-finds-elements-cultural-genocide-tibet>, p. 102

<sup>21</sup> ICT report *A Raging Storm : The Crackdown on Tibetan Writers and Artists after Tibet's Spring 2008 Protests*, <http://www.savetibet.org/media-center/ict-news-reports/raging-storm-crackdown-tibetan-writers-and-artists-after-tibets-spring-2008-protests>

<sup>22</sup> See ICT report : <http://www.savetibet.org/media-center/ict-news-reports/tibetan-writer-tagyal-released-prison-bail>

that were close to the Chinese party-state. He was an editor at the state-owned Qinghai Nationalities Publishing House in Xining and author of many books and essays. But his last book, *The Division of Heaven and Earth*, was scathing indictment of Chinese policies and actions in Tibet, and the situation following the 2008 protests in Tibet. He accused the Chinese authorities of turning Tibet into a “place of terror” in their aftermath. The book was an immediate underground best seller, despite the fact it was printed without official permission, but Tagyal was arrested short after the publication of his now-banned book.