

The long term detention of human rights defenders

International Campaign for Tibet (ICT) submission to the Special Rapporteur on the situation of human rights defenders

Questions

1) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentence of at least 10 years or more? Please provide a list of cases.

The International Campaign for Tibet has knowledge of Tibetan human rights defenders currently detained by the authorities of the People's Republic of China who serve prison sentences of at least 10 years or more.

We wish to state that restrictions imposed by the Chinese authorities to the access to information renders it likely that more individuals who qualify for the status of human right defenders currently serve prison sentences of ten or more years.

Case 1: Karma Samdrup

Chinese Name: 噶玛桑珠

Pinyin Name: Gama Sangzhu, Rukai Gamasangzhu

Conviction: Grave robbing and trafficking in cultural relics

Sentence Date: 24 June 2010

Sentence Length: 15 years

Held In: Yanqi Hui Autonomous City, Xinjiang Uygur Autonomous Region

Expected Release: 24 June 2025



Karma Samdrup, a prominent Tibetan philanthropist and environmentalist, was sentenced to 15 years imprisonment in 2010 on highly dubious charges of grave robbery.

Karma Samdrup was arrested on 3 January 2010 in Chengdu, Sichuan Province, after he campaigned for the release of his two brothers, Rinchen Samdrup and Chime Namgyal, who had been detained in August 2009 for their attempt to stop local police and officials from poaching endangered species in their home area of Changdu prefecture, in the Tibet Autonomous Region.

The three brothers are the founders and members of the "Three Rivers Environmental Protection Group", which has won several awards for its environmental protection work in the Qinghai-Tibetan plateau area (including a grant as a "Model Project" from the One Foundation, a charity created by Chinese movie star Jet Li, and the Earth Prize, an environmental prize jointly administered by Friends of the Earth Hong Kong and the Ford Motor company), and praised in Chinese state media as well.

On 24 June 2010, Samdrup was sentenced to 15 years imprisonment by a court in Xinjiang on charges related to an incident of grave robbing in 1998, for which he had been cleared of all suspicion of wrong-doing at the time. The sentence also included a \$1,500 fine and the deprivation

of his political rights for five years after his release. His case was marked by numerous procedural violations of his right to defence, and he was also reportedly subjected to torture during his detention.

Karma Samdrup and his brothers' detentions have had a detrimental impact on the environmental conservation work in the three brother's home area.

The International Campaign for Tibet believes that Karma Samdrup has been imprisoned only for his environmental work and criticism of Chinese authorities, in contravention to his right to freedom of opinion and expression. He must be released immediately, and be provided with legal assistance from a lawyer of his choice as well as appropriate medical care, and his family must be granted regular visits. In addition, allegations of torture and ill-treatment in detention must be independently investigated and those responsible must be held accountable.

Sources:

- *'China: Drop Charges Against Tibetan Environmental Philanthropist'*, Human Rights Watch, 10 June 2010, <https://www.hrw.org/news/2010/06/10/china-drop-charges-against-tibetan-environmental-philanthropist>
- *'Fears for three environmentalist brothers as 'gaunt' Karma Samdrup on trial after torture'*, International Campaign for Tibet, 24 June 2010, <https://savetibet.org/fears-for-three-environmentalist-brothers-as-gaunt-karma-samdrup-on-trial-after-torture/>.
- *'Tibetan Environmentalist Receives 15-Year Sentence'*, The New York Times, 24 June 2010, <https://www.nytimes.com/2010/06/25/world/asia/25tibet.html>
- *"A sharp knife above his head": the trials and sentencing of three environmentalist brothers in Tibet'*, International Campaign for Tibet, 4 August 2010, <https://savetibet.org/a-sharp-knife-above-his-head-the-trials-and-sentencing-of-three-environmentalist-brothers-in-tibet/>



Case 2: Wangdu

Chinese Name: 旺堆
Pinyin Name: Wangdui
Conviction: Article 110 of the Criminal Law of the People's Republic of China - Espionage
Sentence Date: 27 October 2008
Sentence Length: Life sentence
Held In: Drapchi prison, Lhasa, Tibet Autonomous Region (TAR)
Expected Release: Life sentence



Wangdu was part of a group of Tibetans charged and sentenced for espionage for collecting “*intelligence concerning the security and interests of the state and provid[ing] it to the Dalai clique... prior to and following the ‘March 14’ incident,*” and sentenced to 8 to 15 years in prison, according to a report published in November 2008 in the Chinese press. He was alleged to have passed on an email to India containing eyewitness accounts of the violent crackdown by security authorities on Tibetan protests that took place on 14 March 2008 in Lhasa and other parts of Tibet. According to the Tibetan Center for Human Rights and Democracy, he was arrested on 14 March 2008. On 27 October 2008, he was sentenced for espionage to life imprisonment by the Lhasa City Intermediate People's Court. The court also deprived him of his political rights for life.

Wangdu was a former Project Officer for an HIV/AIDS program in Lhasa run by the Australian Burnet Institute. A former monk, he had previously served an eight-year prison sentence for his participation in protests in Lhasa in 1989 that led to the imposition of martial law.

Wangdu was sentenced solely for documenting and disseminating information about China's human rights abuses. The vague notion of "espionage" is indeed often used by the Chinese authorities to criminalize peaceful dissent or the documentation of human rights violations. The Chinese authorities must release him, provide information about his current whereabouts and ensure that he has access to adequate medical care and legal representation of his choice at all times. In particular, family members must be able to visit him.

Sources:

- ‘*Tibetan AIDS activist missing*’, TCHRD, 9 October 2008, <https://tchrd.org/tibetan-aids-activist-missing/>
- ‘*Australian aid group says Tibet worker has been missing since March*’, the New York Times, 22 December 2008, <http://www.nytimes.com/2008/12/22/world/asia/22iht-23tibet.18872429.html>
- ‘*NGO worker sentenced to life imprisonment: harsh sentences signal harder line on blocking news from Tibet*’, International Campaign for Tibet, 22 December 2008, <https://savetibet.org/ngo-worker-sentenced-to-life-imprisonment-harsh-sentences-signal-harder-line-on-blocking-news-from-tibet/>



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- *'Lhasa Court Sentences Tibetans for Sharing Information With "The Dalai Clique"'*, Congressional-Executive Commission on China, 3 February 2009, <https://www.cecc.gov/publications/commission-analysis/lhasa-court-sentences-tibetans-for-sharing-information-with-the>

Case 3: Migmar Dhondup

Chinese Name: 米玛顿珠

Pinyin Name: Mima Dunzhu

Conviction: Article 110 of the Criminal Law of the People's Republic of China - Espionage

Sentence Date: October or November 2008

Sentence Length: 14 years

Held In: Unknown, possibly Chuschul prison, Lhasa, TAR

Expected Release: 2022



Migmar Dhondup, who worked for an NGO doing community development work, was also arrested in connection with the protests in Tibet in March 2008 and sentenced to 14 years imprisonment for “espionage”.

Like Wangdu, he was accused of providing information to the "Dalai clique" in exile, and subsequently sentenced to 14 years imprisonment. The exact details of the charges, including the nature of the “intelligence” and to whom he passed it on to are not publicly known.

Migmar Dhondup, originally from Tingri County in Shigatse Prefecture (Tibet Autonomous Region), is a well-educated Tibetan passionate about nature conservation, who worked for the Kunde Foundation in Tibet, an NGO committed to helping marginalized and impoverished communities.

He was educated in exile and on his return to Tibet some years later, he began working as a tourist guide for, among others, an American archaeologist who has surveyed over 700 ancient pre-Buddhist archaeological sites in upper Tibet.

Sources:

- *'Lhasa Court Sentences Tibetans for Sharing Information With "The Dalai Clique"'*, Congressional-Executive Commission on China, 3 February 2009, <https://www.cecc.gov/publications/commission-analysis/lhasa-court-sentences-tibetans-for-sharing-information-with-the>



Case 4: Yeshe Choedron

Chinese Name: 益西曲珍

Pinyin Name: Yixi Quzhen

Conviction: Article 110 of the Criminal Law of the People's Republic of China - Espionage

Sentence Date: 7 November 2008

Sentence Length: 15 years

Held In: Drapchi prison, Lhasa, TAR

Expected Release: 7 November 2023



Yeshe Choedron, a retired doctor from Lhasa, was also arrested in connection with the protests in Tibet in March 2008 and sentenced to 15 years imprisonment for "espionage".

On 7 November 2008, the Lhasa Intermediate People's Court sentenced Yeshe Choedron to 15 years imprisonment after being convicted for "espionage" for allegedly providing "intelligence and information harmful to the security and interests of the state" to "the Dalai clique's security department," according to the official Lhasa Evening News. No more details are known.

According to the Dui Hua Foundation, Yeshe Choedron is in Drapchi Prison in Lhasa. Yeshe Choedron is the mother of two sons who live in Delhi and Australia and are not allowed to visit their mother. In 2017, she was reportedly urgently transferred to a hospital in Lhasa in 'critical condition'. She is presently unable to stand and requires a wheelchair for mobility. Sources say her disability was caused by torture and a lack of proper healthcare in prison.

Yeshe Choedron should be released immediately as she has been convicted solely for divulging information about human rights abuses in Tibet. The Chinese authorities must provide information about her current whereabouts and ensure that she has access to adequate medical care, family visits, and legal representation of her choice.

Sources:

- *'Lhasa Court Sentences Tibetans for Sharing Information With "The Dalai Clique"',* Congressional-Executive Commission on China, 3 February 2009, <https://www.cecc.gov/publications/commission-analysis/lhasa-court-sentences-tibetans-for-sharing-information-with-the>

2) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more? For example, a defender who completes a sentence of four years in detention but instead of being released is given another six-year sentence? Please provide a list of cases or examples if possible.

n.a.

3) Do you know of any human rights defender(s) whose time in pre-trial detention and/or administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

n.a.

4) Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

The International Campaign for Tibet is not aware of any Tibetan human rights defenders falling under the categories above and released before the end of their long-term prison sentences.

However, it would like to draw the Special Rapporteur's attention to the case of Kunchok Jinpa, a Tibetan human rights defender who died recently in custody while serving a 21-year prison sentence, as an apparent result of torture sustained in detention.



In a report on 16 February 2021, Human Rights Watch said the 51-year-old tour guide succumbed to his injuries in a hospital in the Tibetan capital of Lhasa on 6 February 2021, after being transferred from custody without his family's knowledge less than three months earlier. The report said he was paralyzed after a brain hemorrhage.

Jinpa was detained on 8 November 2013 and subsequently charged with forwarding "state secrets" about environmental protests and other protests in his home region to foreign media. The court sentenced him to 21 years in prison. He was one of several hundred Tibetans from Driru County in Nagchu (Chinese: Naqu) City who peacefully protested several times in October 2013 against official orders that every house must fly the Chinese flag. Jinpa may have also informed Tibetans outside the People's Republic of China in May 2013 about protests against planned mine projects on the holy mountain "Naklha Dzamba." He also might have passed on the names of Tibetans imprisoned in this context.

Sources:

- 'China: Tibetan Tour Guide Dies from Prison Injuries', Human Rights Watch, 16 February 2021, <https://www.hrw.org/news/2021/02/16/china-tibetan-tour-guide-dies-prison-injuries>
- 'Dead Tibetan Prisoner Was Major Source of News for RFA', Radio Free Asia, 3 March 2021, <https://www.rfa.org/english/news/tibet/news-03012021192844.html>

5) What actions do you suggest the Special Rapporteur can take to:

a) Prevent defenders from being detained for long terms in connection to their human rights work?

The Special Rapporteur should call on the Chinese authorities to stop persecuting Tibetan human rights defenders, particularly by charging them with alleged crimes against state security, such as espionage, and she should call for the unconditional release of the defenders detailed in this submission.

The Special Rapporteur should also call for due process, ensuring all Tibetans have access to a lawyer, right to a defense, to know their charge, to appeal a verdict and seek redress and compensation if unjustly sentenced. The Special Rapporteur should also call for an independent judiciary that reviews detentions and prison sentences to safeguard the rights of concerned individuals as per international legal standards.

The Special Rapporteur should urge the Chinese authorities to refrain from torture and ill-treatment of Tibetan human rights defenders while in custody and should urge for holding those accountable who are responsible for any such acts.

b) Have those human rights defenders arbitrarily detained under long sentences released?

NOTE: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).



Contact Details

Type of Stakeholder (please select one)	International or Inter-governmental Organisations Civil Society Groups or Organisations Individual human rights defender Academic/training or research institution Other (please specify)
Name of Stakeholder/ Organization (if applicable)	International Campaign for Tibet
Name of Survey Respondent	Vincent METTEN
Email	vincent.metten@savetibet.eu
Can we attribute responses to this questionnaire to you or your organization publicly*? *On OHCHR website, under the section of SR on human rights defenders.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Comments (if any):

ENDS

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