

## DEATH, TORTURE AND ILL-TREATMENT IN CHINESE CUSTODY

### BRIEFING: Tibetan Deaths in Custody or Following Release

The Chinese government's tolerance for Tibetans' rights has diminished dramatically in recent years and we have seen a marked increase in state control over everyday life, an escalation in the criminalization of nonviolent forms of protest, and a heavy crackdown against freedom of expression, association, and assembly.<sup>1</sup>

Tibetan human rights defenders are systematically labeled as 'endangering state security', 'terrorist' anti-state or inspired by a 'separatist agenda', and their actions "immediately suppressed".<sup>2</sup> Public displays of support for the Dalai Lama, calls for political autonomy, or even seeking basic cultural or religious freedom can lead to accusations by China of "separatism".

In recent years, there has been a marked increase in the number of Tibetans who have died in custody or shortly following their release from detention, with incriminating signs of torture that raise serious concern. The causes and circumstances of such deaths have not been independently investigated and those responsible have not been held to account. These cases, like many others, illustrate the failure of the Chinese authorities to hold police officers and other officials accountable for their unlawful conduct and human rights violations.

Rights experts have analysed that torture in Tibet is endemic<sup>3</sup> and is used routinely by Chinese authorities against Tibetans in custody. Their findings show that the level of violence directed at Tibetan political prisoners is frequent, extreme, and results in Tibetans being left with long-term and life-threatening conditions following a period of detention, including paralysis, the loss of limbs, organ damage, and serious psychological trauma. The UN Committee against Torture expressed concern in its 2016 report when it stated that it "remains concerned over allegations of death in custody as a result of torture or resulting from lack of prompt medical care and treatment during detention".

Countless Tibetans continue to be held incommunicado for prolonged periods of time, denied access to lawyers and their families. Furthermore, Chinese authorities are notorious for denying families access to the bodies of family members who have died in custody, including prominent monk and community leader Tenzin Delek Rinpoche who died while in custody in 2015.<sup>4</sup> Fears over the welfare of other Tibetan detainees have been heightened by this recent wave of Tibetan deaths.

The cases of seven Tibetans who have died or remain in critical condition after release since April 2019 are highlighted below. Due to stringent limitations on access to Tibet and the crackdown on information flows, it is extremely difficult to represent a definitive list of cases or even the overall number of political detentions of Tibetans.

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<sup>1</sup> Tibetan peaceful dissent is predominantly classified as 'splittist', 'separatist', as 'endangering state security' and 'leaking state secrets'. In a new trend, such dissent is often labeled as 'terrorism'. People accused of such crimes have no right to a lawyer, have no right to an open trial, can be kept for prolonged periods of time in detention, and may be kept at undisclosed locations for interrogation. The family of the accused does not have to be notified about the detention, and family members may legally be surveilled at their homes. Evidence collected during the investigation process for criminal cases related to State Secrecy shall be kept undisclosed, so that redress made by Tibetans becomes difficult.

<sup>2</sup> Human Rights Watch, 'Crackdown on Tibetan Social Groups. New Regulations Ban Social Action Under Guise of Fighting 'Organized Crime'', 29 July 2018; <https://www.hrw.org/news/2018/07/29/china-crackdown-tibetan-social-groups>

<sup>3</sup> International Campaign for Tibet, 'TORTURE AND IMPUNITY 29 CASES OF TIBETAN POLITICAL PRISONERS'; <https://savetibet.org/torture-and-impunity-29-cases-of-tibetan-political-prisoners/>

<sup>4</sup> Human Rights Watch, 'China: Release Tibetan Monk's Body Allow Peaceful Protests, Independent Investigation into Deaths in Detention' 15 July 2015; <https://www.hrw.org/news/2015/07/15/china-release-tibetan-monks-body>

The following list profiles a number of recent reports of deaths and torture.



**On 6 February 2021, Kunchok Jinpa**, a Tibetan tour guide who was serving a 21-year sentence died in a hospital in Tibet's capital Lhasa. Kunchok Jinpa had been transferred to hospital from prison in November 2020, without his family's knowledge. On 29 January 2021, his family learned he was due to undergo emergency treatment. Local sources said he had suffered a brain hemorrhage and was paralyzed. He died a few days later.

Kunchok Jinpa was arrested on 8 November 2013 in Driru County, Nagchu Prefecture, Central Tibet [CH: Biru, Naqu, Tibet Autonomous Region] and later convicted of “leaking state secrets” after he shared information to foreign media, including via social media, about local environment and other protests. There had been no information about his whereabouts since his detention and until now there had been no news concerning his trial or conviction.



**In January 2021, Tenzin Nyima**, a 19-year old monk died from injuries inflicted on him in Chinese custody. On 7 November 2019, Tenzin Nyima was arrested with six young Tibetan monks from Dza Wonpo Village after they staged a peaceful demonstration outside the local police station during which they threw leaflets in the air and called for Tibet's independence.<sup>5</sup>

Tenzin Nyima was released in May 2020 but re-arrested on 11 August 2020 for sharing the news of his arrest and contacting Tibetans in exile in India.

The next news of Tenzin Nyima came on 9 October 2020, when his family was contacted by the police, who informed them that his health had deteriorated and he was now in a comatose state. A hospital report that Human Rights Watch obtained indicates that he had been in critical condition for 10 days before being handed over to his family.<sup>6</sup> His family took him to a nearby hospital in Chengdu, where his admission was delayed due to the family's inability to afford the expensive medical charges. His family was only able to successfully admit him to hospital almost two months later, still comatosed, on 1 December. He died shortly after.



**In August 2020, Lhamo**, a Tibetan herder from Driru County of Nagchu Prefecture, Central Tibet [CH: Biru, Naqu, Tibet Autonomous Region], died in a local hospital shortly after being transferred from police custody. Lhamo, a 36-year-old mother of three who had been in good health before her detention, was detained by authorities in June 2020 and accused of sending money to family members or other Tibetans in India. She was detained two days after another local Tibetan called Tarpa<sup>7</sup> who was also detained on the same charge.

<sup>5</sup> <https://www.hrw.org/news/2021/01/21/china-tibetan-monk-dies-beating-custody>

<sup>6</sup> Human Rights Watch, 'China: Tibetan Monk Dies from Beating in Custody. 6 Others, Including Boy, Get Up to 5 Years for Distributing Leaflets, Video' 21 January 2020: <https://www.hrw.org/news/2021/01/21/china-tibetan-monk-dies-beating-custody#>

<sup>7</sup> Tarpa is a 39-year-old entrepreneur from Chaktse Township, Driru County [CH: Qiaze, Biru, Naqu, Xizang] dealing in medicinal herbs and other local products. A former monk, Tarpa had been under suspicion by local authorities since 2012, when he was among a number of monks from the Tibet Autonomous Region [forced](#) out of the famous Larung Gar monastery in a Tibetan area of Sichuan province. Tarpa then started a Tibetan-medium school for children in Chaktse, but the authorities closed it down, contending that it was “illegal.” After that, he started the Local Produce Trading Company, which became successful. Human Rights Watch, 'Tibetan Woman Dies in Custody', 29 October 2020; <https://www.hrw.org/news/2020/10/29/china-tibetan-woman-dies-custody>

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Lhamo's family were summoned to visit her in hospital in August where they found her badly bruised and unable to speak. She died two days later, and her body was immediately cremated, which prevented an investigation into the circumstances surrounding her death.



**On 18 April 2020 Genden Sherab**, a monk from Rongpo Rabten Monastery in Sog County, Central Tibet, died from injuries sustained while in Chinese detention. Genden was arrested in Lhasa in 2017 after sharing a message from the Dalai Lama on his WeChat. During his detention he was brutally beaten which led to a severe and life-threatening injury.<sup>8</sup>

Gendun was released from prison after three months but continued to struggle with his injuries. He struggled to recover especially because he was blacklisted from accessing various health facilities in Lhasa, preventing him from receiving medication.



**On 7 May 2020 Choekyi**, a monk from Phugu Monastery, Serthar County, eastern Tibet, died after release from prison in 2019.<sup>9</sup> Choekyi had health issues before being detained but was subjected to brutal treatment and hard labour in prison, which caused his health to deteriorate further, damaging his liver and kidney. Reportedly, his weak health was noticed by prison authorities, but he was not given any medical consultation or treatment.

Choekyi was sentenced to four years in prison in June 2015 after he was caught making a special garment for the Dalai Lama's 80th birthday. He also allegedly posted pictures that were deemed politically sensitive.



**On 8 May 2019, Dolkar** was arrested and subsequently sentenced to one year and 3 months in prison for sharing news with those outside the region about her nephew's arrest which occurred on 29 April 2019.<sup>10</sup> Her nephew was sentenced to four years and six months in prison for shouting slogans calling for the release of Tibetan spiritual leader the Panchen Lama, who disappeared into Chinese custody in 1995 when he was just six years old. Dolkar served her sentence in Ra-nga Khar prison in Minyak in Kardze, Tibetan Autonomous Prefecture (CH:

Xinduqiao Prison, Minya, Ganzi, Sichuan Province).

Dolkar was released from prison on 15 August 2020, with badly damaged limbs and bruises all over her body.<sup>11</sup> On 16 August, she was taken to a local clinic to extract puss and other fluids from her limbs.

<sup>8</sup> Free Tibet, 'Tibetan political prisoner dies from severe beating' 29 April 2020:

<https://www.freetibet.org/news-media/na/tibetan-political-prisoner-dies-injuries-severe-beating>

<sup>9</sup> Free Tibet, 'FORMER POLITICAL PRISONER PASSES AWAY FROM LACK OF MEDICAL CARE IN PRISON':

<https://www.freetibet.org/news-media/na/former-political-prisoner-passes-away-lack-medical-care-prison>

<sup>10</sup> International Campaign for Tibet, 'Tibetans imprisoned for Panchen Lama prayers and protest; High-level focus on 'Sinicization' in Kardze' 13 June 2019: <https://savetibet.org/tibetans-imprisoned-for-panchen-lama-prayers-and-protest-high-level-focus-on-sinicization-in-kardze/>

<sup>11</sup> International Campaign for Tibet, 'Tibetan political prisoner released with damaged limbs,' 19 August 2020:

<https://savetibet.org/tibetan-political-prisoner-released-with-damaged-limbs/>

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**6 December 2019 Tsegon Gyal**, a Tibetan blogger and journalist, **was released from prison in extremely ill health**. Gyal was arrested following a blog he published criticising the Chinese government’s restrictive policy of “ethnic unity”. He was serving a three-year sentence on charges of “inciting separatism.” Less than a month after his release, Tsegon Gyal was admitted to hospital where he underwent gallbladder surgery on 14 January 2020. His condition is said to be critical.

In April 2017, during its 78<sup>th</sup> session, the United Nations Working Group on Arbitrary Detention criticised the Chinese government for its treatment of Tsegon Gyal and called for his release.<sup>12</sup>



**In late November 2019 Jimtri**, the brother of Tibetan nomad and environmental rights defender, A-Nya Sengdra, died in hospital in Xining, Qinghai Province, after spending almost a year in detention. Jimtri, 54, was arrested on 15 December 2018 by the Public Security Bureau in Gade County and on 26 July 2019 was charged with “gathering people to disturb social order”. The precise date of his death and the circumstances that lead to it have not yet been confirmed.

**WE URGE CONCERNED GOVERNMENTS TO CALL ON THE CHINESE GOVERNMENT TO:**

- Launch a prompt and impartial investigation into the circumstances surrounding Tibetan deaths in custody or shortly following their release; the findings should be made public and anyone found responsible should be brought to justice, without recourse to the death penalty.
- Following a death in custody, the relatives should be made immediately aware of the procedures of investigation, their rights in respect of information pertaining to the circumstances of the death, and the courses of action open to them in respect of post-death investigations, legal representation, compensation and the availability of counseling.
- Immediately release all Tibetans detained and/or sentenced for the peaceful expression of views, religious beliefs or practices, or contact with families and friends in exile.<sup>13</sup>
- Ensure that all Tibetans detained have access to lawyers and appropriate medical care, and ensure that their relatives or a third party of choice are informed of their specific whereabouts and conditions. In cases where lawyers are unable to meet their clients in person alternative measures must be provided such as secure phone or video calls.
- Ensure that Tibetans detained are afforded fair trials that meet the requirements of international law and standards, including the UN Standard Minimum Rules for the Treatment of prisoners.
- Fully implement the recommendations of the concluding observations adopted in 2015 by the Committee against Torture.<sup>14</sup>

**WE URGE UN STAKEHOLDERS AND PARTNERS TO:**

- Lead on and support relevant item statements on Tibet at the UN Human Rights Council and the UN Third Committee, including on the issue of Tibetan deaths in custody or shortly following release from detention.
- Support the establishment of an impartial and independent UN monitoring mechanism to monitor and report on human rights abuses in Tibet in light of the urgency of the situation.

<sup>12</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A\\_HRC\\_WGAD\\_2017\\_4.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_4.pdf)

<sup>13</sup> Including 39-year-old Tenzin Tarpa, a former monk from Larung Gar monastery, detained in June 2020. Tarpa is the cousin of Lhamo. He was detained by authorities in June 2020 accused of sending money to family in India.

<https://www.hrw.org/news/2020/10/29/china-tibetan-woman-dies-custody>

<sup>14</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/CHN-HKG/CO/5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/CHN-HKG/CO/5&Lang=En)