

Tiananmen and Tibet

Progress required by Tiananmen Sanctions law not met

Situation in Tibet worse than in 1989

Following the Tiananmen Square massacre in 1989, the U.S. Congress passed legislation that imposed sanctions on the Chinese government in response to its human rights crackdown. The legislation commonly referred to as the “Tiananmen Sanctions” (P.L. 101-246) required Chinese authorities to meet a variety of conditions, including human rights improvements in Tibet.

This paper analyzes the current human rights situation in Tibet in relation to the requirements in the sanctions law. Findings indicate that the situation has not improved, and Tibetans are worse off today than in 1989.

Tibet portion of Tiananmen sanctions law:¹

“... (b) TERMINATION OF SUSPENSIONS- A report referred to in subsection (a) is a report by the President to the Congress either--

- (1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes--
 - (A) lifting of martial law;
 - (B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;
 - (C) release of political prisoners;
 - (D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and
 - (E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; ”

Analysis

(A) lifting of martial law

Many parts of Tibet are experiencing “de facto” martial law, comparable to the “de jure” martial law imposed in Tibet from 1988 to 1990. The Chinese response to the protests that started in spring 2008 and the implementation of a Strike Hard campaign has created a setting that resembles the aftermath of the Tiananmen demonstrations.

- “Large numbers of troops were deployed across the Tibetan plateau as soon as the (March 2008) protests broke out; military analysts have reported that the Chinese authorities’ handling of the Lhasa riots was very similar to the way they dealt with the 1989 demonstrations in Tiananmen Square.”²
- At times throughout the past year, a strong military presence has been felt due to security cameras placed throughout Lhasa, snipers on rooftops, and military roadblocks and checkpoints at major intersections and roads. These impositions, along with curfews and strict travel regulations, have created an atmosphere of fear and paranoia in many Tibetan districts.

¹ Section 902(b), Foreign Relations Authorization Act for Fiscal Year 1990-1991, Public Law 101-246.

² International Campaign for Tibet, “Great Mountain Burned by Fire,” March 2009, pg 63.

- The People's Armed Police surround monasteries in mass, posing the threat of midnight military raids. In March 2008, Lhasa's three main monasteries, already under military lockdown, were raided by armed police resulting in the disappearances of hundreds of monks.³ Nearly 6,000 Tibetans were subjected to early morning raids over a three day period in January 2009.
- Shortly after the March protests, all major detention facilities in the capital city were filled to capacity, according to ICT's sources. Lack of space caused police to send prisoners by train to neighboring provinces. Unoccupied buildings, such as military garages and train stations, were converted into barracks to accommodate the influx of detainees.

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs

The overwhelming majority of the 150 recorded protests that occurred in Tibet in 2008 after March 14 were peaceful in nature. However, the use of extreme, violent crowd-control measures resulted in over 100 Tibetans killed in Lhasa and nearby areas.⁴ 1,200 Tibetans remain unaccounted for according to Chinese statistics, and Tibetans continue to disappear after being taken from their homes in the middle of the night.

An example of disproportionate punishment is evidenced by the mistreatment of monks from Labrang monastery who peacefully protested in March and April 2008. Fifteen monks expressed their grievances to an audience of Chinese and foreign journalists, voicing their desire for basic human rights and the Dalai Lama's return to Tibet. Several members of the group were detained and heavily beaten, some returning with broken limbs and severe psychological trauma due to electric batons being forced into their mouths. In a separate incident, Monk Labrang Jigme was detained in November 2008 for six months after speaking out on film, which was later uploaded to YouTube.com, disclosing his full identity and detailing the abuses he and others endured during two months he spent in detention for his suspected role in a protest that took place near Labrang monastery on March 14, 2008.

(C) release of political prisoners

The Chinese authorities continue to detain large numbers of Tibetans for political purposes:

- “The resulting surge in the number of Tibetan political prisoners may prove to be the largest increase in such prisoners that has occurred under China’s current Constitution and Criminal Law,” stated the Congressional Executive Commission on China.⁵
- According to the State Department’s 2008 human rights report, “Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because

³International Campaign for Tibet, “Great Mountain Burned by Fire,” March 2009, pg 16.

⁴ ICT, “Tibet at Turning Point,” August 2008, pg 5.

⁵ Congressional-Executive Commission on China, 2008 Annual Report.

- they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion.”⁶
- ICT has information on more than 600 prisoners that have been detained since March 10, 2008, though it is believed that the actual number of incarcerated Tibetans is far higher.⁷
 - Chinese authorities can legally detain individuals for up to 37 days without formal charges, however many Tibetans have been kept for months without notification to relatives, or access to legal representation.⁸ Moreover, current Chinese law provides police the ability to sentence people for up to four years of detention without trial.

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association

Tibet has experienced a heightened effort by the Chinese to suppress cultural expression and coerce Tibetans to attend cultural functions in response to acts of non-violent resistance. Artists, writers, and influential community figures who had not directly protested have been detained for their art or community involvement.

- Paljor Norbu, a highly respected 81 year old master printer in Lhasa, was taken from his home late 2008 and sentenced to seven years in prison, most likely under suspicion for printing “prohibited material.” The authorities have still failed to inform his family on his whereabouts or exact charges.⁹
- Monasteries have been prohibited from holding religious assemblies and may not hold joint religious activities.¹⁰
- Journalists and website editors in Tibet and neighboring regions have been detained and tortured for creating “social unrest”, and are overtly deprived of the right to free speech and assembly upon release.¹¹
- Tibetans chose to forgo their traditional Losar (New Year) celebration in early 2009 in an expression of solidarity for those missing and deceased. Chinese authorities attempted to force celebrations through bribes and intimidation.
- The Chinese authorities named March 28 “Serfs’ Emancipation Day,” an official state holiday created in reaction to the 50th anniversary of 1959 Tibetan Uprising and the Dalai Lama’s subsequent flight into exile.
- Dhondup Wangchen, filmmaker, and his aide, Jigme Gyatso, were arrested in 2008 for their work on “Leaving Fear Behind,” a poignant documentary showcasing over one hundred Tibetans’ discontent with the Chinese government. Dhondup Wangchen remains in prison. Jigme Gyatso was released after being severely tortured in late 2008, but was again detained in March 2009 for unknown reasons.
- Jamyang Kyi, an influential Tibetan writer/singer/broadcaster who was arrested and later released in 2008, wrote about her treatment in detention: “Each interrogation session aroused a different kind of fear in me. One day in the

⁶ US Department of State “Country Reports on Human Rights Report for 2008: China and Tibet”

⁷ International Campaign for Tibet, “Great Mountain Burned by Fire,” March 2009, pg 5.

⁸ US Department of State, “Country Reports on Human Rights Report for 2008: China and Tibet”

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

middle of an interrogation, I thought instead of enduring this, it would be better to be killed by a single bullet.”¹²

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists

Dissemination of information and access for foreign journalists continues to be suppressed in Tibet:

- As part of the government crackdown in response to Tibetan protests, “...police and security forces have confiscated mobile phones, computers and other communications equipment in hundreds of raids on monasteries, nunneries and private homes, physically preventing thousands from communication with the outside world.”¹³
- In March 2009, 14 foreign reporters were arrested or forced out of Tibetan regions. Crews were threatened, questioned, or arrested if they attempted to enter monasteries or other sensitive areas. Some crews had passports confiscated or footage erased. Tibetans risked being detained and interrogated by police if they spoke to or assisted journalists.¹⁴ Access to Tibetan areas continues to be heavily restricted, especially in the Tibet Autonomous Regions, where journalists have only been granted access since protests began in March 2008 as part of official government delegations.
- Edward Wong and Jonathan Ansfield of the New York Times were detained and assaulted while reporting from a Tibetan area of Gansu province on February 27, 2009. The two were held by authorities for twenty hours before they were ordered to return to Beijing. Wong’s camera was destroyed when he attempted to photograph a police officer.¹⁵
- Norzin Wangmo, a Tibetan female Communist Party member, was sentenced to five years in prison for passing information over the phone and internet about the situation in Tibet to the outside world.¹⁶
- Tibetans are at high risk for detention for downloading songs deemed ‘reactionary’ onto their cell phones.¹⁷
- In February 2009, the eve of the significant March anniversary, “...Tibetan-language sites and postings were particularly targeted in an apparent attempt to silence...dissenting opinions in the approach to the first anniversary of the March protests and the 50th anniversary of the Dalai Lama’s flight to into exile.”¹⁸
- Xinhua News Agency reported that authorities closed 14,000 “illegal” websites.¹⁹
- Television broadcasts are heavily regulated, and as of April 2009, China had replaced 170 satellite dishes in rural Machu county, Gansu province, alone, resulting in the China Central TV being the sole broadcaster into the region²⁰

¹² International Campaign for Tibet, “Great Mountain Burned by Fire,” March 2009, pg 33.

¹³ Amnesty International, “China: One thousand protestors unaccounted for in Tibet lock-down.” July 2008.

¹⁴ Reporters Without Borders, “Foreign press prevented from working in Tibetan regions,” March 2009.

¹⁵ Foreign Correspondents’ Club of China, “China should allow access to Tibetan areas,” March 9, 2009.

¹⁶ International Campaign for Tibet, “Great Mountain Burned by Fire,” March 2009, pg 42.

¹⁷ Ibid, pg 9.

¹⁸ Ibid, pg 107.

¹⁹ US Department of State, “Country Reports on Human Rights Report for 2008: China and Tibet”

²⁰ Radio Free Asia, “Satellite receivers in Tibet replaced to tighten information control,” April 26, 2009.

- Tibetan-language broadcasts of the Voice of America (VOA), Radio Free Asia (RFA), and BBC continue to experience jamming of their transmissions.²¹

²¹ US Department of State, “Country Reports on Human Rights Report for 2008: China and Tibet”