



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Reporters Without Borders International, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2010\*\*]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

\*\* This statement was printed late and out of numbered sequence due to a technical problem.

## **Situation of Freedom of Expression and Press in the Tibetan areas (China)**

Article 35 of the Constitution of the People's Republic of China declares "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of associations, of procession and of demonstration." However, the China's authorities continued to commit widespread violations of Tibetan's right in violation of the article 35 of the PRC's Constitution.

Following March 2008 protests that spread throughout the Tibetan areas, China blanketed the entire plateau with military, armed police and public security forces. All journalist were expelled. It also launched an aggressive propaganda offensive blaming the Dalai Lama for conspiring to "sabotage the Olympics Games." Several hundreds Tibetans were arrested. Although the government has announced that it subsequently released most of them, the whereabouts of several hundred remain unknown. Police and Party officials arbitrarily arrested or fined Tibetans suspected of passing information abroad through relatives, friends or foreigners.

In response to international condemnation, the Chinese government permitted several foreign diplomats to visit Lhasa but their movement were severely restricted. They were not able to speak to those in detention or otherwise investigate some aspects of the protests. In early April 2009, a request from Ms. Louise Arbour, the then-UN High Commissioner for Human Rights, to visit Tibet was declined on grounds that it was "inconvenient." In addition, a separate appeal issued jointly by six UN Special Rapporteurs was similarly declined.

### **Imprisonment of a documentary filmmaker**

Mr. Dhondup Wangchen, the Tibetan filmmaker arrested by the Chinese government for documenting the Tibetan people's aspiration for return of the Dalai Lama to Tibet and the current situation in Tibet, was recently sentenced to six years in prison.<sup>1</sup> The sentence was pronounced on 28 December 2009, according to the report.

Mr. Wangchen, aged 35, was arrested with his monk assistant named Jigme Gyatso on 26 March 2008 for making a film which documents the lives of Tibetans under China's rule, views about the Dalai Lama and the Beijing Olympics. "This self-taught video-maker, who did nothing but film interviews with Tibetans, has been given a long jail term after judicial proceedings in which his defence rights were violated," Reporters without Borders said. "This sentence is a disgrace for China."<sup>2</sup>

His documentary was first shown to journalists in Beijing two days before the start of the Olympics in August 2008. While he was in detention, there has been report that he is suffering from Hepatitis-B and has not received any medical treatment. The Chinese authorities denied the right to be represented by the Beijing based lawyer hired by his family in June last year.

The Chinese government arbitrarily replaced the lawyer chosen Mr. Wangchen with a government-appointed lawyer in July 2009. The Human Rights Watch strongly condemned

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<sup>1</sup> <http://www.tibet.net/en/index.php?id=morepress&articletype=morepress&rmenuid=morepress&yearofnews=2010&tab=2#>

<sup>2</sup> <http://www.rsf.org/Six-year-sentence-for-Tibetan.html>

the move as a “violation of China’s criminal procedure law and its obligations under international human rights law, which guarantee criminal defendants the right to choose their own defense counsel and to meet with their counsel while in detention”.<sup>3</sup>

British Foreign Office Minister Ivan Lewis said "I am concerned by reports that documentary film-maker Dhondup Wangchen has been sentenced to 6 years in prison. The verdict, like that of prominent human rights defender Liu Xiaobo, raises serious concerns about the right to freedom of expression in China. I urge the Chinese Government to meet its international human rights obligations and respect constitutional guarantees on freedom of expression. International fair trial standards were not met in these cases. Nor in that of Tibetan lama Phurubu Tsering Rinpoche, who was sentenced to more than 8 years in prison on 23 December. I pressed the Chinese government on some of these issues during my visit to Tibet in September, and urge them now to follow legal due process when the appeals are heard.”<sup>4</sup>

### Targeting Tibetan writers and publishers

“The Internet is monitored, censored and manipulated more in Tibet than in other Chinese provinces,” Reporters without Borders said. “Despite the risks, Tibetan Internet users continue to transmit information, especially to the diaspora and human rights groups. It is deplorable that the Chinese police devote so much energy to identifying and arresting ordinary Internet users.”<sup>5</sup>

In 2009 the Chinese authorities have targeted and detained Tibetan writers and publishers even though they were not engaged in protest activities, but who sought to explore and express Tibetan views on issues that affect Tibetan people’s rights, culture, religion and Tibet’s fragile environment.

Kunchok Tsephel, who runs a Tibetan language and culture website - Chomei (eng. Lamp) (<http://www.tibetcm.com/index.html>) was arrested at his home in Gannan “Tibetan Autonomous Prefecture” (“TAP”), Gansu Province.<sup>6</sup> His whereabouts are still unknown.

Kunga Tsayang, a Tibetan writer-photographer arrested on 17 March 2009 has been sentenced last week to five years in prison on charges of disclosing state secrets, according to information received by the Tibetan Centre for Human Rights and Democracy (TCHRD). He was arrested on alleged charges of posting political essays on Tibet on a website named as “Jottings” (Tib: Zin-driss) in Gansu Province.<sup>7</sup>

Dokru Tsultrim, a Tibetan monk from Ngaba Gomang Monastery, who recently wrote two articles critical of the Chinese government was picked up by the Chinese security forces from his room at Ngaba Gomang Monastery. Dokru was accused of writing two articles that criticized the Chinese government and supported the “separatist forces of the Dalai Lama,” according to the source.<sup>8</sup> His whereabouts are still unknown.

<sup>3</sup> <http://www.hrw.org/en/news/2009/08/03/china-ensure-fair-trial-tibetan-filmmaker>

<sup>4</sup> <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=21566813>

<sup>5</sup> <http://www.rsf.org/More-Tibetans-arrested-in.html>

<sup>6</sup> <http://www.tchrd.org/press/2009/pr20090307b.html>

<sup>7</sup> <http://www.tchrd.org/press/2009/pr20091119.html>

<sup>8</sup> <http://www.tchrd.org/press/2009/pr20090420b.html>

## Imprisoned for posting the Dalai Lama photo online

Two young Tibetans identified as Mr. **Gyaltsing** and Mr. **Nyima Wangdu**, have just been given three-year jail sentences for posting photos of the Dalai Lama online. The exact date of their conviction is not known but it is believed to have been three or four days ago. They were convicted on charges of “communicating information to contacts outside China.”<sup>9</sup> They have been detained in Lhasa since 1 October. Their families, who have not been able to visit them in prison or obtain any information about them, are concerned for their health.

Three other Internet users, identified as **Yeshe Namkha**, **Anne** (a pseudonym) and **Thupten**, were arrested for similar reasons on 1 December but have not yet been tried. It is not known where they are being held.

Several bloggers and other Internet users have been arrested in Tibet in recent months. They include **Pasang Norbu**, arrested in Lhasa on 12 August for looking at online photos of the Tibetan flag and Dalai Lama, and **Gonpo Tserang**, a guide sentenced to three years in prison in June on charges of inciting separatism and “communicating outside the country” for sending emails and SMS messages about the March 2008 protests in Tibet

## Tibetan language blogs temporarily shut down or blocked

It is fairly common for Tibetan blogsites to be rendered inaccessible, if only for a short period of time, at particular times of the year. For example, High Peaks Pure Earth monitored such “technical issues” last year, for example in March 2009 in these blogposts “All Quiet on the Tibetan Blog Front”<sup>10</sup> and “The Disappearing Tibetan Cyberspace”<sup>11</sup>. In August 2009, Global Voices reported on Tibetan blogsites being down in the report “Are Tibetan Bloggers Being Silenced?”<sup>12</sup>

Reporters Without Borders calls upon the members of the UN Human Rights Council to urge China:

- To allow free access to international media in Tibet and all Tibetan areas;
- To immediately release Tibetan journalists, writers, bloggers and publishers detained or imprisoned for disseminating information outside;
- To end Internet censorship and crackdown on press freedom;
- To arrange visit of UN Special Procedures mandate holders particularly Special Rapporteur on the right to freedom of opinion and expression whose invitation has been pending since 2002.

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<sup>9</sup> <http://www.rsf.org/More-Tibetans-arrested-in.html>

<sup>10</sup> <http://www.highpeakspureearth.com/2009/03/all-quiet-on-tibetan-blog-front.html>

<sup>11</sup> <http://www.highpeakspureearth.com/2009/03/disappearing-tibetan-cyberspace.html>

<sup>12</sup> <http://www.highpeakspureearth.com/2009/03/disappearing-tibetan-cyberspace.html>