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Human rights situations that require the Council's attention

Written statement* submitted by Reporters Without Borders, 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.

[23 August 2010]

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

Current status of the right to freedom of expression and speech in the People's Republic of China

Introduction

The Constitution of China guarantees its citizen the right to freedom of speech and expression and under the international law, China has legal obligations to promote and protect the rights of its citizen to freedom of speech and expression. However, the Chinese authorities continue to curtail the right to freedom of speech and expression, especially in Tibet Autonomous Region and Xinjiang Autonomous Region.

In Tibet, the Chinese authorities view any opinions and views that contradict official Chinese positions as "subversive" or harming the national stability and any information directly or indirectly concern the governance, policies and activities of PRC are considered as "state secret". Under this label, Tibetan people are denied their basic right to express their opinion and aspiration freely. Since 10 March 2008, the Chinese authorities intensified repression over freedom of expression and information and according to our record, at least 50 Tibetans have been arrested and in some cases sentenced to lengthy prison term merely on the ground of exercising their fundamental rights to free speech and expression.

D) Persecution of Tibetan Intellectuals

A recent trend indicates a deepening crackdown on Tibetan intellectuals, writers, bloggers, filmmakers and artists who express their true feelings and aspirations in a highly repressive atmosphere. According to our investigations, at least 50 Tibetans have been arrested – and in some cases sentenced to long jail terms – for sending reports, photos or videos abroad. For example, a netizen called Dasher who has been given a 10-year prison sentence on a charge of "separatism" for sending reports and photos of the March 2008 protests.

Reporters Without Borders would like to introduce several cases:

1. Tashi Rabten, a young Tibetan writer and university student, Tashi Rabten (pen-name Teurang), the editor of a banned literary magazine on the 2008 protests in Tibet and author of a new collection of work called *Written in Blood*, has earlier disappeared on 26 July 2009, and is now known to be reportedly detained.
2. Kunga Tsayang, a monk from Chikdril County in Golog "TAP" is reportedly detained on account of his essays on a website named "Jottings" or "Rough Notes" (Tibetan:Zin-dris).
3. Drokru Tsultrim, from Mangra County in Chabcha in Tsolho "TAP", Qinghai Province, used to be the editor of a magazine called "Life of Snow" which has been banned. He was also detained on 2 April 2009 under suspicion that his writing was "reactionary".
4. Khang Kunchok, from Drotsang Village, in Ngaba County, Sichuan Province, was detained on 20 March 2008, and subsequently sentenced to two years in prison. He was the founder of the magazine "Nanjia" and had previously edited "Kangsel Metok", a magazine published by Kirti Monastery.
5. Yong Lengzhi was a junior high student at the Number One Middle School in Malho "TAP" who committed suicide by jumping off from the third floor of his school building on 18 October 2008. He had participated in 2008 protests. A collection of his poems in a book entitled "The Imprisoned Tibetan People" is in circulation.

6. One of the most notable arrests related to freedom of expression is that of Paljor Norbu, 81 years old, who was arrested and secretly sentenced to 7 years on the charge of printing "prohibited materials".

7. Dhondup Wangchen, 35, a Tibetan film maker was arrested on 26th March 2008 for making the film *Leaving Fear Behind* in Tibet, which documents the lives of Tibetans under China's rule, views about His Holiness the Dalai Lama and the Beijing Olympics. On 28th December 2009, he was sentenced to 6 year prison term on the alleged charge of "inciting separatism" and espionage and he was reportedly suffering from hepatitis B, for which he has been denied adequate medical treatment.

8. Tagyal, 47, (Pen name Shogdung), was a writer, intellectual, and editor at the Qinghai Nationalities Publishing House in Xining. On 23 April 2010, six police officers from the Xining Police Station came to the Qinghai Nationalities Publishing House and arrested Tagyal. His wife has been informed that he was arrested on a security charges, however many believe that he was arrested on the ground of his political views expressed in his books and due to signing an open letter critical of the government's relief efforts following the April 14 Yushu earthquake. His latest book *Nam-Se Go-Ched* (The Line between Sky and Earth), which was banned in Tibet, describes the Chinese polices in Tibet and the events of 2008 protest. The arrest of Shogdung, according to ICT, "signals a deepening crackdown on Tibetan writers, artists and educators since protests against the Chinese state began in March, 2008" and he was one of the 31 high profile Tibetan intellectuals arrested for exercising their basic freedom of speech and expression. According to information, he was detained in the No.1 Detention Center in Xining but till date no formal charges have made against him.

9. On 5th June 2010, the Chinese police officials arrested and mistreated two Tibetans. Goyon and Thupten Gedun, the editors of the magazines *Tibet* and *Purgyal Kyi Namshey* (Soul of Ancient Kings), were reportedly arrested by around 15 Chinese police officials while they were in Chengdu (Sichuan) and their mobile phones and cameras, ID cards and wallets were also confiscated. Though released the next day, they were given harsh treatment while being interrogated.

II) Information clampdown

Most Tibetan areas remained almost closed to the foreign media since March 2008 protests. The Chinese authorities imposed systematic measures to control information from and to Tibet. From mid-February till 1st April 2009, before the politically sensitive anniversary of the March events, the Lhasa Tourism Bureau asked tour agencies in Tibet to stop organising foreigner tour to Tibet. Reporters without Borders reported that at least 14 reporters were either expelled or arrested from Tibet on the ground of covering issues in Tibet.

Reporters Without Borders expressed outrage on the systematic violation of press freedom and free expression in Tibet and says "Foreign journalists are finding it increasingly difficult to visit the Himalayan province and free speech is being suppressed even more ruthlessly there than in the rest of China".

In the recent time, few selected media were taken on a highly controlled trip to Tibet. In late February 2009, a group of media were taken to Tibet and Emma Graham Harrison of Reuters summed up her experience as, "I spent what seemed like half of my time arguing against visits to model villages and tourist sites such as palace, where there was little chance to catch even a controlled glimpse of ordinary lives...But we were stalked by disconcerting reminders that in Tibet even our own eyes could not always be trusted..."

On 15th July 2010, another group of selected media were given a highly restrictive tour to Tibet. Damian Grammaticas, a BBC news reporter said, "ours was a highly controlled tour. We had a set programme, minders watching us everywhere, and few opportunities to talk to Tibetans freely. Everywhere we had a police escort, and we passed huge military convoys rumbling along the mountain roads".

Blockage of Tibet related information services such as Radio Free Asia (RFA), Voice of America (VOA) and Voice of Tibet (VOT) is common feature in Tibet. In April 2009, the Chinese authorities in Tibet removed satellite dishes in some Tibetan-populated regions in an effort to block access to foreign broadcasts and instead installed cable lines for listening to "government-approved programs". According to Voice of Tibet (VOT), "broadcasts being jammed by Chinese authorities is one of our major challenges" and in March 2010, ahead of the 51st anniversary of Tibetan People's Uprising day, the Chinese authorities in Tibet jammed the radio frequencies of VOT.

According to news of Voice of Tibet (VOT), a Tibetan named Thinley was arrested in mid-February 2010 in Lhasa by the Public Security Bureau (PSB) Official. Originally from Markham County, Chamdo Prefecture, Tibet Autonomous Region (TAR), Thinley was arrested on the alleged ground of listening to foreign radio broadcasts and disseminating information to the public.

Since March 2008, the surveillance of Internet has also increased. Jiang Yu, the PRC Foreign Ministry spokeswoman, commented that "China like other countries administers the Internet according to law. China's Internet is open, and the Chinese government encourages development of the Internet". China said that the latest figure for internet users in China is 420 million, nearly a third of China's population. However, on the actual ground access to Internet to receive and send information is highly censored by the Chinese authorities, especially in Tibet. Websites such as the BBC, Free Tibet, Phayul.com and the Tibetan Government website are banned and any information relating to Tibet issues, the Dalia Lama, democracy and Taiwan are blocked.

Since 10 March 2008, restriction over access to Internet is highly intensified and viewing or sending information related to 2008 protest are very risky. For example, Wangdu, in his 40s, was working as a HIV/AIDS activist with the Burnet Institute, an Australian medical research and public health NGO. He was arrested and sentenced to life on the alleged charge of spying for the "Public Security Department of the Dalai Clique" and for sending information.

Phuntsok Dorjee and Tsewang Dorjee were sentenced to 9 and 8 years prison term respectively and they were convicted on the alleged charge of "collecting information concerning national security and interests" and providing it to organization outside of the China through Wangdue.

In a recent attempt by the authorities to block sharing sensitive information and photos, a new order was issued against people in Lhasa that they have to register their names for making photocopies. This order is an attempt to prevent people from printing political materials and the new rule "is primarily aimed at the Tibetan language".

Conclusion

It is clear that Tibet's human rights condition is deteriorating amidst a dramatic increase of Chinese repression and restriction on the Tibetan people's right to freedom of expression and to information. With imposition of new and more rigorous rules and regulations over access to Internet and information services, the Tibetan people's basic right to freedom of speech and expression are likely to worsen in the coming years.

Recommendations

Reporters Without Borders calls upon the Chinese government:

1. To invite UN High Commissioner for Human Rights as requested for a visit to Tibet in April 2008 to take stock of actual situation in the Tibetan Autonomous Region and neighbouring Tibetan prefectures and counties since March 2008;
 2. To allow free access to the international media in Tibet and all Tibetan areas;
 3. To immediately release Tibetan journalists, writers, bloggers and publishers detained or imprisoned for disseminating information outside;
 4. To end Internet censorship and crackdown on press freedom;
 5. 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;
 6. To release all the Chinese citizens, including Tibetans and Uyghurs protestors, detained/arrested/disappeared/sentenced solely for peacefully exercising their rights to freedom of expression and freedom of religion, or for peacefully exercising their human rights.
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