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Human rights situations that require the Council's attention

Written statement* submitted by the Helsinki Foundation for Human Rights, 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.

[24 August 2012]

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

People's Republic of China (PRC): Concern for Jigme Guri

On 30 August 2011, the Working Group on Arbitrary Detention together with the mandates on Disappearances, Freedom of Religion or Belief and Minority Issues conveyed a joint communication to the Chinese authorities concerning the detention of a Jigme Guri (Ch: Jumei Jiangcuo or Jigme Guori), who on 20 August 2011 was arrested for the fourth time since 2006.¹ Despite the special mandates' official inquiry, no response from the Chinese government has yet been made public.

However, on 17 February 2012, the Tibetan Centre for Human Rights and Democracy reported that the Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture had issued a procuratorate-approved arrest warrant for Jigme, charging that he had been engaged in activities geared towards "splitting the country."² The arrest warrant also noted that Jigme was currently under the authority of the Public Security Bureau detention centre in Tsoe (Ch: Hezou) city. Following Chinese law, Jigme would have likely been charged and sentenced soon after the warrant's issue. However, as of this writing, apart from the notice of his arrest warrant in January 2012, the specifics of Jigme's case have not been made public and his wellbeing remains unknown.

Jigme Guri, known also as "Akhu Jigme," Labrang Jigme, or Lama Jigme, was the Vice-Chairman of the 'Democratic Management Committee' the director of the vocational school at his monastery, Labrang in Sangchu (Ch: Xiahe) county. His August 2011 arrest was likely connected to his public account of his arrest following the March 2008 demonstration. Jigme had not taken part in the March 14 and 15 protests in Labrang, but the authorities suspected that he was involved, and on 22 March 2008 Jigme was detained. During his 42 day detention, Jigme was repeatedly beaten and tortured to the point of hospitalization. After one beating which rendered him unconscious for six days, authorities sent him home, likely fearing he would die in custody. He required two months of treatment in another hospital after his detention. After which, he explained he was "made to put my thumb prints on a letter acknowledging that I was not beaten."³

Jigme survived his torture and videotaped an account of his detention.⁴ In his video testimony describing his experience Jigme states: "I was put on a chair with my hands tied behind my back. A young soldier pointed an automatic rifle at me and said in Chinese, 'This is made to kill you, Ahlos [a sinicized form of the Tibetan word for 'friend,' used by some Chinese as a derogatory term for Tibetans]. You make one move, and I will definitely shoot and kill you with this gun. I will throw your corpse in the trash and nobody will ever know.' When I heard this, I was not terrified by the gun pointed at my head but thinking that this man is not only a soldier or security personnel, but also a law enforcement officer; however, here he is pointing a gun at an ordinary citizen and uttering such words. It made me very sad, as if my heart was shattered in two pieces."

Describing the conditions during his detention, Jigme said: "Monks as young as 14 or 15 and as old as 60 or 70 were arrested. No difference is made, whether they are involved in protests or not. We had no clothes on our backs nor shoes on our feet. Two monks would be tied together and put in the vehicle to be driven away. They are thrown in the vehicle like

¹ A/HRC/19/58, para 145.

² <http://news.webindia123.com/news/articles/India/20120217/1929868.html>.

³ <http://www.hrw.org/en/embargo/node/91846?signature=5ad3e9b8c01b5f1dfd94c12b8b9bf75b&suid=6>.

⁴ Available at <http://www.highpeakspureearth.com/2008/09/voa-video-testimony-of-labrang-monk.html>.

you would throw logs of wood. Even if some had their heads injured, and for some, their hands were broken, they were all taken to the prison. Relatives or friends were not allowed to bring food, clothing or bedding. We had to huddle together in the cold. The reason why we were so severely beaten is solely because we are Tibetans. For that we feel extremely sad.”

In addition to describing his time in detention, Jigme’s video gave an indictment of current Chinese policies and attitudes towards Tibetans. He explained the Chinese authorities’ response to the March 2008 protests: “We are accused of aligning with the ‘Dalai clique’ and instigating riots among the public. If there is real racial equality, freedom of expression and freedom of religion, then why are we not allowed to respect the figure for whom we have faith in our heart of hearts? Right in front of our eyes, they stomp on the picture of the Precious One [Dalai Lama], break the picture frames with the butts of guns, shred the pictures into pieces and burn them in the fire. Being Tibetans and Buddhists, when we see the picture of our object of refuge being trodden upon and torn into pieces, we view these as irreparable acts. When Tibetans break a few windowpanes, they say that such acts caused hundreds of millions of yuan worth of damage. How do you measure the damage caused to our hearts by seeing our most revered One’s picture trampled under foot? The Chinese leadership says that the goal is to achieve a harmonious society, but at the same time continue to vilify the Dalai Lama, a figure that all Tibetans respect and honor as their spiritual leader... how can we begin to feel harmony when our values are denigrated and trodden on?”

After releasing his 22-minute video testimony to international audiences on YouTube, Jigme Guri, who used his real name and showed his face in the video, went into hiding for two months. Upon his return to Labrang in November 2008, he was detained by Chinese authorities. According to Tibetan sources, he was taken from his monk’s quarters by at least 70 armed police. Following his 4 November 2008 arrest Human Rights Watch reported that “he was detained for six months without charge before being released on May 2, 2009.”⁵

In a rare circumstance, two Chinese lawyers became involved in investigating Jigme’s case following his November 2008 detention. (Tibetans are often denied legal counsel of their choosing and defense lawyers are often intimidated to prevent them from defending Tibetans.⁶) Li Fangping and Jiang Tianyong also provided defense counsel for Tibetan lama Phurbu Rinpoche in Kardze, Sichuan. Li Fangping told The London Times that Jigme was “released partly because there was insufficient evidence. Even though he spoke about how he was tortured after the March 14 incident [in the video], this was insufficient to make a criminal case.”⁷

Jigme Guri’s first arrest came in 2006 following a visit to India for the Dalai Lama’s teachings. He was detained for 40 days, released and returned to Labrang Monastery.

The reason for his latest arrest in August 2011 remains unclear. With the warrant claiming that he was inciting to split the nation, it is likely that the arrest is, as prominent Tibetan blogger Woerter speculates, “a late settling of accounts related to his video testimony telling the world the truth about the oppression of Tibetans.”⁸

On 2 August 2012 Radio Free Asia reported that in July 2012, “two Beijing-based rights lawyers—Wang Yajun from Beijing Gehang law firm and Zhang Kai from Yijia law

⁵ <http://www.hrw.org/en/embargo/node/91846?signature=5ad3e9b8c01b5f1dfd94c12b8b9bf75b&suid=6>.

⁶ <http://www.savetibet.org/media-center/ict-news-reports/protests-and-harsh-sentences-continue-tibet>.

⁷ <http://www.thetimes.co.uk/tto/news/world/asia/article2610262.ece>.

⁸ <http://www.highpeakspureearth.com/2011/08/attention-lama-jigme-arrested-for.html>.

firm—traveled to Hezuo city in Gansu to investigate the jailed monk’s case at the request of family members.” RFA’s sources said that the two lawyers “were told by authorities that Lama Jigme had already been tried by the Gannan People’s Court. They were also told that the court had appointed two local lawyers to represent him, and that no lawyers from Beijing would be needed.” The report noted that a family friend of Jigme’s confirmed that “lawyers from outside the province would not be allowed.”⁹ Denied his choice of legal counsel and tried in secret, Jigme was not granted his rights as provided in the Chinese constitution.

Jigme Guri remains in Chinese custody and there are grave concerns for his health and general welfare. Given the circumstances surrounding his arrest, his outspoken criticism of the Chinese government’s policies and practices, and the known torture he endured during previous arrests, we appeal to the relevant Special Procedure mandate-holders including the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention, and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to use their good offices to raise Jigme Guri’s case in their communications with the Chinese authorities.

⁹ <http://www.rfa.org/english/news/tibet/ailing-08022012163026.html?searchterm=Jigme%20Gyatso>.