

URGENT ACTION

TIBETAN ACTIVIST REMAINS ARBITRARILY DETAINED

Prisoner of conscience, Tashi Wangchuk, has been detained for over a year and has yet to be informed by Chinese authorities of the charges against him.

Tashi Wangchuk was first detained on 27 January 2016 and formally arrested in March 2016 on suspicion of “inciting separatism”, which carries a penalty of up to 15 years in prison. According to the document submitted by the police to the Procuratorate (Prosecutor), and reviewed by defense lawyers in September 2016, the central evidence against him is based on a short documentary produced by The New York Times in 2015.

The Procuratorate resubmitted the case to the Yushu Tibetan Autonomous Prefecture Intermediate People’s Court in early January 2017, however Tashi Wangchuk has still not received information about the formal indictment or the charges against him. According to the judge presiding over the case, the court is currently verifying the evidence and negotiating with the Procuratorate, and therefore would not deliver the indictment to him as the charge may be changed.

In early March 2017, the judge approached Tashi Wangchuk and his family for more information about their lawyers, including how they hired them and how much they are paying in legal fees. Very few lawyers in China risk taking up human rights, or other sensitive cases that represent a challenge to the power of officials, for fear that they in turn would be targeted by authorities.

Tashi Wangchuk’s lawyers visited him in early March 2017 and found him suffering from joint pain. A request to the detention centre for a medical examination was made. However, as the lawyers had to leave the remote region of Yushu shortly afterwards, it is unknown whether the treatment was provided.

Please write immediately in English, Chinese or your own language urging authorities to:

- Immediately and unconditionally release Tashi Wangchuk, who is a prisoner of conscience, detained solely for exercising his right to freedom of expression;
- Ensure that pending Tashi Wangchuk’s release, international fair trial standards are observed, including his rights to pre-trial legal counsel of his choice and adequate time and facilities to prepare a defence, and by promptly informing him of the nature and cause of the charge(s) against him; and
- Pending his release, ensure that he has regular, unrestricted access to his family and lawyers of his choice without delay, medical care on request or as necessary, and is protected from torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 2 MAY 2017 TO:

Chief Procurator of Yushu Tibetan Autonomous Prefecture People’s Procuratorate
Yushu Zangzu Zizhizhou Renmin Jianchayuan
Qionglong Lu, Jiegu Zhen, Yushu Shi
Yushu Zangzu Zizhizhou
Qinghai 815000
People’s Republic of China
Salutation: Dear Procurator

Director of Qinghai Provincial Department of Public Security
Wang Zhengsheng
Qinghai Sheng Gonganting
50 Bayi Zhonglu
Xining, Qinghai 810007
People’s Republic of China
Salutation: Dear Director

And copies to:
Governor of Qinghai Province
Hao Peng
Qinghai Sheng Remin Zhengfu
Bangongshi
12 Xi Dajie
Xining, Qinghai 810000
People’s Republic of China
Fax: +86 0971 8252135
Email: qhsxxgk@163.com

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR LIU XIAOMING, Embassy of the People’s Republic of China, 49-51 Portland Place W1B 1JL, 020 7299 4049, press_uk@mfa.gov.cn

This is the second update of UA 79/16, for more information please see <https://www.amnesty.org/en/documents/asa17/5510/2017/en/>

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ADDITIONAL INFORMATION

Tashi Wanchuk is an advocate for greater Tibetan language education in schools in Tibetan populated areas. Currently, Mandarin has become the sole language of instruction. He expressed on social media his anxieties about many Tibetan children being unable to speak their native language fluently, as well as the gradual extinction of Tibetan culture.

A short documentary "A Tibetan's Journey for Justice", produced by The New York Times in 2015, told the story of Tashi Wangchuk's trip to Beijing to seek legal assistance in filing a lawsuit against local officials regarding the lack of Tibetan language education in schools. It revealed that no law firm was willing to take on the lawsuit and that the state-sponsored TV station, CCTV, refused Tashi Wangchuk's request to report on the situation. The police used the footage as evidence that he had deliberately incited "separatism" by attempting to discredit the Chinese government's international image and its ethnic minority policies.

Ethnic Tibetans in China face discrimination and restrictions on their rights to freedom of religious belief, expression, association and peaceful assembly. Tibetan monks, writers, protesters and activists are regularly detained as a result of their peaceful activities. On 17 February 2016, Tibetan writer and blogger Druklo (pen-name Shokjang) was sentenced to three years' imprisonment by the Peoples' Intermediate Court in Huangnan (Malho), Qinghai province, for "inciting separatism", for his online posts on religious freedom, the Dalai Lama and other Tibetan issues and his possession of the banned book *Sky Burial*.

In recent years the Chinese government has enacted or drafted a series of sweeping laws and regulations under the pretext of enhancing national security. There are fears that they could be used to silence dissent and crack down on human rights defenders through expansive charges such as "inciting subversion" and "separatism".

Harsh criminal sentences continue to be imposed in China on writers, bloggers, journalists, academics, whistle-blowers and ordinary citizens for peacefully exercising their right to freedom of expression. Amnesty International has documented the misuse of the various charges of "separatism" and "terrorism" to violate the rights to freedom of expression, peaceful assembly and religion.

The criminal justice system in China is roughly divided into three distinct phases: the investigation phase conducted by the police; the prosecution phase, in which the prosecutors approve of the initial evidence needed to arrest a suspect and engages in further investigation to decide whether to indict a suspect; and the final trial phase carried out by the courts.

In China, defendants are almost always found guilty once a case is brought to court. The conviction rate in 2015 was 99.92% according to official statistics released by Zhou Qiang, President of the Supreme People's Court.

Further information on UA 79/16 Index: ASA 17/5901/2017 Issue Date: 21 March 2017