



INTERNATIONAL CAMPAIGN FOR TIBET

Lawyer denied access to imprisoned Tibetan language advocate Tashi Wangchuk on eve of arrest anniversary

<http://www.savetibet.org/lawyer-denied-access-to-imprisoned-tibetan-language-advocate-tashi-wangchuk-on-eve-of-arrest-anniversary/>

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The lawyer of Tibetan language advocate Tashi Wangchuk, who marks three years in a Chinese prison on Jan. 27, 2019, was denied access to him last week despite Tashi Wangchuk's request to meet him to discuss making a new petition about his case.

Wangchuk was [sentenced to five years in prison](#) on May 2, 2018, accused of 'separatism' after appearing in a New York Times video speaking about the importance of protecting Tibetans' 'mother tongue.' Court documents later [showed his prosecution to be a sham](#).

One of Wangchuk's lawyers, Lin Qilei, travelled to Dongchuan Prison in Xining City, Qinghai Province, on Jan. 15 in order to ascertain Wangchuk's current situation and his wish to file a new petition for his release, according to [a posting by China Human Rights Defenders](#). Wangchuk's first, unsuccessful appeal against his sentence was heard in August 2018. According to PRC law, prisoners are entitled to file a petition if they are not satisfied by the judgement against them. According to Article 22 of this law, the prison should "without delay" handle these petitions.¹

Upon arrival at the prison, the lawyer was told that the "crime" involved in this case was "sensitive" and that he could not meet with Wangchuk; approval was needed at a higher provincial level. The lawyer was told that Wangchuk was complying with the "rules of supervision" but that he still did not plead guilty to the charges against him. The lawyer said that he hoped a meeting as part of the petition process would soon be allowed as "supported by law," according to the twitter posting. The timing is regarded as crucial as there are specific allotted timeframes for submitting petitions.

Wangchuk's lawyers, who had limited access to him during his pre-trial detention, reported that he was tortured during his first week in detention, being held for a lengthy period in a "tiger chair" where he was subjected to interrogation and repeatedly beaten. His interrogators also threatened to harm his family.²

¹Prison Law of the People's Republic of China, Section 2, Handling of Petitions, Complaints and Accusations Made by Prisoners. Article 21 reads: "If a prisoner is not satisfied with the effective judgment, he may file a petition. A people's procuratorate or a people's court shall without delay handle the petitions filed by prisoners." Other relevant Articles are: "Article 22: A prison shall without delay handle the complaints or accusations made by prisoners, or transfer the above material to a public security organ or a people's procuratorate for handling. The public security organ or the people's procuratorate shall inform the prison of the result of its handling. Article 23 A prison shall transfer without delay the petitions, complaints and accusations made by prisoners and shall not withhold them. Article 24 In the course of execution of the criminal punishment, if a prison believes on the basis of a prisoner's petition that the judgment may be wrongfully made, it shall refer the matter to a people's procuratorate or a people's court for handling. The people's procuratorate or the people's court shall notify the prison of the result of its handling within six months from the date of receiving the prison's written recommendation for handling."

(<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92656/108045/F569326796/CHN92656%20ENG.pdf>)

² Cited by International Tibet Network, Background Briefing on Tashi Wangchuk, 2018, <https://docs.google.com/document/d/1V42KWh8A1MxcSYTaJyMP2v1mhZGwa9qHlj7i9ESCnDs/edit>

The verdict against Wangchuk, handed down by a court in Yushu, Qinghai, highlights China's harsh and extreme approach to Tibetan culture and criminalization of moderate, peaceful efforts within Chinese law to protect the Tibetan language.

In the first known instance of an international news story being used in a criminal prosecution against a Tibetan, the New York Times video was used in court as evidence—despite Wangchuk's clear disavowals of separatism and his stated intention to use Chinese law to protect the Tibetan language.³ Wangchuk pleaded not guilty.

Wangchuk and his lawyer denied charges of 'separatism,' with his lawyer stating to the Associated Press that: "The prosecutors are ideologically too strong." (Associated Press, January 4, 2018).

In China, prison terms begin on the date of detention, meaning that he will be due for release in early 2021. Governments and parliamentarians across the world have called for his immediate release, and in February 2018, six UN human rights experts condemned the "criminalization of linguistic and cultural rights advocacy" and called for Wangchuk to be freed from prison.⁴

In the New York Times video, Tashi Wangchuk, who ran a shop in Yushu, spoke about his anxiety over the survival of Tibetan culture, linked to the erosion of the language. China's Constitution specifies the right of 'ethnic minorities' to speak their own language.

Wangchuk is among a younger generation in Tibet who have prioritized protection of the Tibetan language, the bedrock of their cultural and religious identity, framing their concerns in the context of Chinese law and official regulations. In the New York Times documentary, Wangchuk says: "I want to try to use the People's Republic of China's laws to solve the problem."

Matteo Mecacci, President of the International Campaign for Tibet said: "The unlawful conviction and torture of Tashi Wangchuk is a tragic reminder of the injustice faced by Tibetans who seek to preserve their culture and language under Chinese rule.

"By using a New York Times interview in court to prove Tashi Wangchuk's case, Beijing has decided also to target the legitimate work of the foreign press, in another violation of the principle of reciprocity. While China continues to take advantage of the freedom of movement and of the press provided by the United States and other countries in order to spread its propaganda, it regularly blocks access to Tibet. Over the past 10 years, nearly three times as many Chinese official delegations have visited Western countries compared to the number of Western delegations allowed into Tibet. Similarly, while Chinese journalists can freely visit abroad, it is very rare that foreign journalists are allowed to visit Tibet. And when there are occasional stories like the one published by the New York Times about Tashi Wangchuk, we can see what how illegitimately the Chinese government responds. After the approval of the Reciprocal Access to Tibet Act last December, we call on the United States to fully implement the legislation and we urge China to release Tashi Wangchuk from detention."

³ See 'How China Used a Times Documentary as Evidence Against Its Subject', by Jonah M Kessel, January 10, 2018, <https://www.nytimes.com/2018/01/10/insider/tashi-wangchuk-documentary-china.html>.

⁴ International Campaign for Tibet report, February 21, 2018, 'ICT Welcomes UN experts call for immediate release of Tibetan language advocate Tashi Wangchuk' <https://www.savetibet.org/ict-welcomes-un-experts-call-for-immediate-release-of-tibetan-language-advocate-tashi-wangchuk/>