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HUMAN RIGHTS COUNCIL  
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### HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

#### **Written statement\* submitted by the Society for Threatened Peoples, 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.

[22 May 2009]

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

### **Martial law situation in Tibet**

Tibet remained closed for much of 2008 and 2009 amid heavy security crackdown. Fear, intimidation and repression have become constant elements in Tibetan lives. The Chinese authorities pour in massive deployment of armed security personnel into Tibet and impose strict and heavy police presence, intensify political education campaign of Tibetans not only in monastic institution but among party members and general populace, and generally stepped up vigilance and surveillance over Tibetans. The present atmosphere in Tibet is aptly described as a virtual martial law, reminiscent of the Martial Law period in Lhasa imposed on 8 March 1989 under President Hu Jintao, the then "TAR" Party Secretary.

A conference of Chinese Communist leaders in February 2009 has called on the "party, government, military, police and public in all areas to firmly crush the savage aggression of the Dalai clique, defeat separatism and wage people's war to maintain stability in the region".

In April 2009, a delegation of four members from the Human Rights Committee of the German Bundestag (Parliament) visited Lhasa for three days in April this year. The delegation was given a "highly controlled and censored tour" and many of the group's questions remain unanswered. "The one-sidedness was formidable", Holgar Haibach, head of the delegation said. They were also not allowed to visit prison and found a huge military presence in Tibet.

As Tibet remains sealed off, the PRC authorities have a free hand to deal with any kind of Tibet dissent with impunity. Still, Tibetans continue to courageously show defiance through political pamphleteering, candlelight vigils, boycott of farming movement, and by refusing to celebrate Tibetan New Year (*Losar*).

Despite China's accession to 25 international conventions on human rights, their participation in the UN human rights mechanisms and their lofty rhetoric of promoting and protecting human rights of its citizens, the degree and extent of suffering and repression experienced by Tibetans under the authoritarian and brutal control of the PRC government is equivalent to being, as His Holiness the Dalai Lama remarked, a "hell on earth". He has rightly said that China's actions in Tibet are unbecoming of a 21st century rising superpower.

In Tibet and under China, all opinions and viewpoints that contradict official Chinese position on any issue are considered as "subversive", and any information which directly or indirectly concerns the governance, policies and activities of the PRC are viewed as state secret. China's arbitrary detentions of Tibetans solely on account of their peaceful and legitimate protests against Chinese government violate key rights promised in China's domestic law and in their obligations to the international laws.

### **Civil and Political Rights**

#### **a) Figures of Tibetan deaths, detentions and disappearance**

Despite Extensive restrictions on information flow prevail in Tibet, the Tibetan Administration has managed to acquire a conservative estimate of Tibetans who have died, been detained, sentenced or disappeared under China's brutal crackdown since March 2008. As of 24 April 2009, the CTA estimates the death of over 220 Tibetans with information available on 110

Tibetans, sentencing of nearly 300 Tibetans, arrest and detention of over 5,600 Tibetans, disappearance of over 1,000 Tibetans and over 1,294 Tibetans as injured. It is believed that the actual figure could have been much higher.

*Xinhua* on 2 April 2008 acknowledged that "150 incidents of smashing, looting, beating and burning" had taken place between March 10 and March 25 in the Tibetan areas of Tsongon Province, Gansu Province and Sichuan Province. However, the Tibetan Centre for Human Rights and Democracy, Dharamsala asserts, "it registered over 300 separate events of protests of different magnitudes covering 90 counties in the 'TAR' and in the Tibetan areas outside the 'TAR'".

## **b) Torture and Ill-Treatment**

China's brutality against Tibetans and Tibetans protest against it have continued. The demands of the Tibetan protestors have remained the same: Independence, freedom and human rights for Tibet and Tibetans and Support for His Holiness the Dalai Lama. The

Chinese authorities passed harsh sentences on Tibetan detainees ranging from death, suspended death sentences to life term. The Tibetan detainees are regularly subjected to torture and maltreatment in China's detention centres and prison system. Reports emerge of Tibetan detainees being released on medical parole if they are likely to succumb to injuries from torture and beatings in Chinese prisons. A Tibetan man named **Guru Dorjee, 49, from Kardze region** was released in a serious condition ahead of his prison term of three years after being brutally tortured. A **21-yearold girl Rigden Lhamo from Kardze region** was also handed over to her family on 25 December 2008 after she was imprisoned in an injured state after her involvement in protest on 28 March 2008. In another case, a severe beating left **Venerable Lobsang Wangchuk from Lhasa**, virtually blind. He was given life term and imprisoned in an unknown location. **Pema Tsepak, 24, from Dzogang County, Chamdo Prefecture, "TAR"**, has died on 23 January 2009 after succumbing to his injuries on kidney and intestine sustained from beatings by Chinese authorities. Three days earlier on 20 January, **Thinlay Ngodrup, 24**, his brother **Thargyal, 23**, and Pema Tsepak, had carried a banner reading "Independence for Tibet" and shouted slogans. Chinese security forces beat **Phuntsok, a Tibetan monk from Drango Monastery, Drango County, Kardze**, to death on 25 March 2009 for urging local Tibetans to boycott farming as a sign of mourning and for political pamphleteering.

The known estimate of over 220 Tibetan deaths occurred due to indiscriminate firing from Chinese security forces during protest; severe beatings and torture during arrest, detention and interrogations that either leaves the detainees infirm or injured to die; insurmountable repression and suppression that drives the Tibetans to commit suicide; and several deaths were caused due to starvation in the initial phase of the March 2008 protest when the major monasteries were sealed off and closed for days together.

A rare video footage of the aftermath spring 2008 protests released by the Central Tibetan Administration, Dharamsala in March this year reveals heavy presence of paramilitary forces in Tibet, indiscriminate beatings of Tibetan protestors while they remain handcuffed and lying on the ground. The most gruesome of all, the extensive wounds on a young Tibetan named **Tendar**, who later succumbed to his injuries on 19 June 2008. A **staff of China Mobile Company in Lhasa**, Tendar's only crime was his attempts to stop Chinese security forces from beating a lone

monk on 14 March 2008, while he was on his way to work. According to reliable information received from Tibet, Tendar was "fired at, burned with cigarette butts, pierced with a nail in his right foot, and severely beaten with an electric baton". Tendar was denied medical care at the military hospital and later shifted to "TAR" People's Hospital in Lhasa, where the doctors removed about "2.5 kgs of his body part to clean the rotten wounds". The video footage is available at <http://footage.tibetanbridges.com/> and its related information at <http://www.tibet.net/en/index.php?id=759&articletype=flash&rmenuid=morenews>

The current climate of fear and repression is such that the torture and persecution is felt by every Tibetans regardless of whether they are in prison or not. Almost all the Tibetan families in Tibet are affected in some way or the other. Many reports surfaced of Tibetans going mentally insane after one of their family members got arrested, detained or disappeared or after undergoing extensive torture and maltreatment in detention centres.

Li Baodong, head of Chinese delegation at a meeting of UN Committee Against Torture in 2008 over China's compliance with the Torture Convention declared that China had "zero tolerance" against torture. Article 247 and 248 of China's Criminal Law as well as the newly released National Human Rights Action Plan of China for 2009-2010 clearly prohibits torture and forced confessions. However, in reality, torture remains endemic in Chinese prisons and detention centres and becomes a main tool to extract confession, to suppress dissent and to intimidate other possible protestors.

### **c) Death Penalty**

According to the National Human Rights Action Plan of China (2009-2010), death penalty shall be "strictly controlled and prudently applied". The plan provides that a prisoner sentenced to suspended death sentence or death with a two-year reprieve, will be commuted if no intentional offense is committed during the suspension period of the sentence. The plan furthermore mandates that all death sentences must be reported to the Supreme People's Court for review and approval, apart from the death sentences given by the Supreme People's Court.

In the context of politically volatile regions such as Tibet and Xinjiang and social stability calls made by the PRC government as its fundamental principle, the charge of "endangering state security" was primarily aimed at suppressing political dissent. In Tibet, mere exercises of basic human rights such as freedom of expression and opinion, which are deemed contrary to the government diktats, are considered as crimes. Hence, Chinese authorities criminalises political dissent and activities and disproportionately uses force and sentencing for merely engaging in peaceful protest, for possession of the portraits of His Holiness the Dalai Lama etc

The trial processes for the Tibetan detainees are further compounded by secrecy, widespread prevalence of torture and forced confessions in Chinese prison systems, an institutional constraint in China's legal system, continuous denial of the presumption of innocence and an absence of independent judiciary. In China, the fact that the court appointed lawyers are employees of Ministry of Justice and the China's judicial system is so politicised as judiciary remains under the "supervision and guidance" of the Party despite being nominally independent have both hampered the rights of Tibetan detainees.

On 8 April 2009, Lhasa Municipal Intermediate People's Court had sentenced to death two Tibetans—**Lobsang Gyaltzen** and **Loyak**—on charges of "arson cases that reportedly left seven people dead and five shops burned to the ground in Lhasa" in March 2008.

According to *Xinhua*, Lobsang Gyaltzen was sentenced to death for burning two clothing shops in downtown Lhasa on 14 March 2008 while Loyak was given the death penalty for his role in the burning of a motorcycle shop that allegedly killed the owner, his wife, his son, and two employees. Two other Tibetans, **Tenzin Phuntsok** and **Kangtsuk**, have been given suspended death sentences with two-year reprieve. Another Tibetan named **Dawa Sangpo** has been sentenced to life imprisonment.

China's *Xinhua* news agency reported on 21 April 2009 that the Lhasa Intermediate People's Court issued suspended death sentence to a girl called **Penkyi** for "starting fires in two downtown clothing shops on 14 March 2008". Another girl named Penkyi was sentenced to life term while **Chime Lhanzom** was jailed for 10 years. The Chinese media report did not say when the sentences were delivered nor did it give other details of the defendants and their arguments.

**STP strongly urges the Human Rights Council to call upon China:**

1. To provide unfettered access to Tibet for UN human rights experts including the UN High Commissioner for Human Rights and other independent observers to assess the human rights situation in Tibet;
2. To provide unrestricted foreign media access to all Tibetan areas;
3. To fully implement the recommendations made by the Special Procedures mandate-holders and UN Treaty Bodies on Tibet;
4. To release immediately and unconditionally all those detained and imprisoned solely for engaging in peaceful protest and/or other peaceful political activities;
5. To receive and allow access to Tibet for the Special Rapporteur on Freedom of Religion or Belief and other invited Special Procedure mandate-holders including the Special Rapporteur on Summary or Arbitrary Executions;
6. To review the death sentences passed on Tibetan protestors involved in "March 14 riot" by providing fair and transparent trial in line with international standards;
7. To ratify immediately the International Covenant on Civil and Political Rights and ensure that its protections are extended to all Tibetans.

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