

**Special Rapporteur on extrajudicial, summary or arbitrary executions  
Special Rapporteur on the independence of judges and lawyers  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment**

**c/o OHCHR-UNOG  
1211 Geneva 10  
Switzerland**

**Dharamsala, 27 April 2009**

Dear Special Rapporteurs,

The Tibetan Centre for Human Rights and Democracy (TCHRD) seeks the urgent intervention of the Special Rapporteurs in requesting the government of the People's Republic of China (PRC) to overturn the death penalty announced recently on four Tibetans and severe sentences on three other Tibetans in connection to the spring protest in Tibet in 2008. The TCHRD considers the sentences to be politically motivated which has been handed down arbitrarily and summarily in the absence of due process of law and a free and fair trial.

In a shocking revelation, the state media, Xinhua, on 8 April and 21 April 2009 (urls at the end) announced the death penalty verdict on five Tibetans and very harsh sentences on three other Tibetans as follows:

- 1) Lobsang Gyaltsen[n] - death sentence
- 2) Loyak - death sentence
- 3) Tenzin Phuntsok - death sentence with a two year reprieve
- 4) Kangtsuk - death sentence with a two year reprieve
- 5) Penkyi of Sakya County, Shigatse Prefecture(Ch: Xigaze) "Tibet Autonomous Region" ('TAR') - death sentence with a two year reprieve
- 6) Penkyi from Nyemo County (Ch: Nimo Xian), Lhasa Municipality, "TAR" - life imprisonment
- 7) Dawa Sangpo - life imprisonment
- 8) Chimed from Namling County (Ch: Nanmulin xian), Shigatse Prefecture, "TAR" -10 years prison term

The Centre is seriously concerned about the fairness of the legal procedures according to international standards for fair trial and the treatment of the detainees who were held for more than a year in custody prior to their court sentencing. The secretive nature of the

court trial and sentencing without providing any detail information on defendants, their argument, date of court trial and sentencing are particularly worrisome. Such secretive nature of the court trial procedure raises many questions on fairness, transparency, effectiveness and independence of judiciary which is cornerstone for ensuring justice.

While the official mouthpiece, Xinhua, report states that trials had been open and strictly abided by the Criminal Procedural Law of the People's Republic of China (PRC) and provided with Tibetan interpreters for the defendants during the trial, however, the rights of defendants to be represented by the lawyer of their choice was ignored by the judicial authorities in other earlier cases, due to politicized nature of the process. Following March 2008 protests, several lawyers from the Mainland China were threatened to revoke their license if they represent detainees.

Such political patronage in the judicial trials is evident from the past experiences. After a series of protests in Tibet last year, Pema Trinley, Executive Vice Governor of "TAR," who was also a Deputy Secretary, Standing Committee of the 'TAR' Communist Party's Political and Legal Affairs, call on judiciary bodies to act fast and strike hard on 'Dalai clique' during a meeting on 2 April 2008 in Lhasa. He further said that stringent legal action should be taken in tune with the Party policy so that the final verdict would gain political, legal and social dividends referring to achieving social and political stability in the region.

In February this year, Xinhua quoted Nyima Tsering, Vice Chairman of the "TAR" People's Congress Standing Committee as saying that Chinese courts had handed down sentences ranging from three years to life in prison to a total of 76 people over the riots. However, according to the Centre's documentation around 235 Tibetans from "TAR" and Tibetan areas outside "TAR" have so far been sentenced to varying prison terms by court at different levels for their participation in the spring Tibet protest last year.

The latest verdict passed by the Lhasa court is the harshest till date since spring 2008 uprising in Tibet. The Centre would like to seek the urgent intervention of the UN Special Rapporteurs to stop the execution of the Tibetans sentenced to death and to seek explanations from the government of the People's Republic of China over the standards of legal proceedings followed in the recent court trials and the verdict passed.

Sincerely,

Tenzin Norgay  
Personnel for UN Affairs (TCHRD)

Note:

Chinese court sentences two to death on starting fatal fires in Lhasa riot [8 April 2008, Xinhua]

[http://news.xinhuanet.com/english/2009-04/08/content\\_11151158.htm](http://news.xinhuanet.com/english/2009-04/08/content_11151158.htm)

Court sentences 3 for arson in Lhasa riot [21 April 2009, Xinhua]

[http://www.china.org.cn/china/news/2009-04/21/content\\_17643102.htm](http://www.china.org.cn/china/news/2009-04/21/content_17643102.htm)