



Tibetan Community in Switzerland & Liechtenstein

Tibeter Gemeinschaft in der Schweiz & Liechtenstein

Geneva, December 10, 2009

United Nations High Commissioner for Human Rights  
H. E. Mrs. Navanethem Pillay  
OHCHR, Palais Wilson  
Avenue de la Paix 8-14  
1211 Geneva 10  
Switzerland

**Human Rights Situation in Tibet or How many Tibetans must be killed? What further evidence is needed to act?**

Yours Excellency,

Tibetans all over the world and especially in Tibet commemorate 60 years of illegal occupation of our homeland and 50 years of enduring oppression with ongoing human rights violation by the People's Republic of China. Living under the Chinese occupation for so long, the Tibetan people have not only been denied the equal benefits of development touted by China, but also their fundamental right of expression, religious practice and opinion, and freedom to maintain their unique culture and tradition. The untold suffering and the arbitrary trials with death penalties continues and the International Communities, including the United Nations and their Human Rights bodies appears to file reports, administer the incidents and sit back and watch.

On October 20, 2009 four Tibetans were executed under the supervision of the Lhasa Municipality Intermediate People's Court for their alleged involvement in last year's mass protest in the Tibetan capital Lhasa. The executed Tibetans are:

1. Lobsang Gyaltzen, 27 years old, from Lhasa
2. Loyak, 25 years old, from Tashi Khang, Shol, Lhasa
3. Penkyi, 21 years old, from Sakya region
4. Identity of the fourth person is not known

Your Excellency, in our letter to you from June 2<sup>nd</sup>, 2009 we kindly asked you "to immediately intervene and urge China to quash the death sentences of Lobsang Gyaltzen, Loyak, Gangtsu Tenzin Phuntsog and Penkyi who were sentenced on 8th April 2009 by the Lhasa Municipal Intermediate People's Court." The Tibetan Community in Switzerland and Liechtenstein is convinced that the trials in general and in particular for the above four, which ended up with death penalties, are not held in a fair and transparent manner, in accordance with international judicial standards.

Latest US Congressional Report on Tibet noted that the Chinese Government and Communist Party strengthened the policies and measures that frustrated Tibetans prior to the wave of Tibetan protests from March 2008. The US Congressional-Executive Commission on China's 2009 report on Tibet was released on 16 October 2009. The full report about Tibet (page 274-300) can be found on <http://www.cecc.gov/pages/annualRpt/annualRpt09/CECCannRpt2009.pdf>.

Deaths of peaceful Tibetan protesters while in police custody, including a death that resulted from an alleged lethal beating, occurred during this reporting year. Three reported cases were of deaths within a relatively short period of detention or attempted detention. In each case, the victim's friends, family members, or associates were nearby, learned of the death, and were able to convey information about the death to destinations outside of China, the report said.

"We are deeply concerned about continued human rights abuses and stalled rule of law reform documented in the Commission's 2009 Annual Report. Many Chinese government policies designed to address social unrest and bolster the Communist Party's authority are resulting in a period of declining human rights for Chinese citizens," said Senator Byron L. Dorgan, Chairman of the Commission in a joint statement with Representative Sander Levin, Co-chairman of the Commission.

On October 29, 2009 the European Union condemned the recent executions of two Tibetans Lobsang Gyaltzen and Loyak in a Declaration by the Presidency on behalf of the European Union

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/cfsp/110853.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/110853.pdf).

The EU recalled that in case the death penalty is maintained, internationally recognized minimum standards must be respected. These include all possible safeguards to ensure a fair trial and adequate representation. The EU reiterated its concerns about the conditions under which the trials were conducted, especially with regard to whether due process and other safeguards for a fair trial were respected.



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The Tibetan Community in Switzerland and Liechtenstein express their deepest concern about the arbitrary, disproportionate and brutal response by the authorities of the People's Republic of China in Tibet. The right to a fair trial is a fundamental human right and an essential component of the administration of criminal justice. This right is part of the International Covenant on Civil and Political Rights which China signed in 1998.

Your Excellency, the credibility of the United Nations Human Rights bodies are under close scrutiny and if they do not undertake anything on behalf of the deprived of civil and human rights in Tibet and elsewhere, they have lost all moral authority to speak on behalf of human rights. Therefore we urge and we demand your Excellency to take responsibility and to act now on following urgent needs:

1. To immediately send an independent international fact-finding mission into Tibet
2. To exert pressure on the PRC government to allow unfettered access to free press in whole of Tibet
3. To pressure the PRC to end the brutal killings in the whole of Tibet
4. To immediately release all the arrested and imprisoned Tibetans
5. To extend immediate medical assistance to those injured Tibetans
6. To allow free movement of people and provide access to daily needs

On June 2, 2009 we have met with Zafeer Ud Din (Civil Society Unit) and Melissa Fernandez (Asia Pacific Unit) representing your office. We have discussed important issues related to Tibet and deposited urgent requests during the meeting. Your officers have promised to transmit and discuss the memorandum with you. By today, we have still not yet received any feedback. On December 10, 2009 Tibetans from Switzerland and Liechtenstein will gather in Geneva, among other places in front of your headquarter at Palais Wilson.

We sincerely hope your office will respond to our demands and seize the opportunity to make statement in front of the Tibetan fellows at Palais Wilson on December 10, 2009, the International Human Rights Day. As the United Nations High Commissioner for Human Rights, you owe a response to our brave Tibetan fellows in Tibet, who have been experiencing severest suppression since 50 years under the PRC.

With compliments,

Tibetan Community in Switzerland and Liechtenstein

Kalsang Kangrang, Vice President