

བཀྲིའི་ཁྲིའུ་མཆོད་པུ་



THE OFFICE OF TIBET
241 EAST 32ND STREET, NEW YORK, NY 10016

April 23, 2009

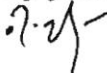
Tibetan Center for Human Rights and Democracy
Top Floor, Narthang Building,
Gangchen Kyishong
Dharamsala, (HP)-176215
India

Dear Executive Director Urgen Tenzin la,

I am enclosing, for your information, the affidavit of Kalsang Gumstoe whose older brother Paltsal Kyab was tortured to death in May 2008. His affidavit is based on the testimonial of his uncle Yegnyun and his brother-in-law Dundul both of whom are witnesses to the atrocities.

Please share this information with the appropriate persons in your contact list.

Sincerely yours,


Tenzin Dicky
Special Assistant to the Representative



**AFFIDAVIT OF KALSANG GUMSTOE
TESTIMONIAL OF YEGNYUN**

BEFORE ME, the undersigned authority, on this day, personally appeared, Kalsang Gumstoe, known to me to be the person whose name is subscribed to the following instrument and, having been duly sworn, upon his oath, deposes and states the following:

1. My name is Kalsang Gumstoe. I am the younger brother of Paltsal Kyab, who was also known as Jakpalo.
2. I lived in Amchok Tsyamid, in the region of Aba, in Tibet with my family. After I left my family, I had stayed in India and Nepal for several years. Since 1997 I have lived as a resident of the United States in Brooklyn, New York.
3. Since my arrival in the United States, I have remained in close contact with my brother, Paltsal Kyab, up through and until his arrest in April of 2008 by police officers in May of 2008.
4. I have also remained in close contact with other members of my family who reside now in the county of Aba and the village of Charo in the country of Tibet. These include my uncle Yegnyun.
5. Based on several phone conversations with Yegnyun during the months of May, June and July of 2008, I swear and affirm that Yegnyun told me about the murder of my brother, Paltsal Kyab, in words similar to those just below.

**AFFIDAVIT OF KALSANG GUMSTOE
TESTIMONIAL OF DUNDUL**

1. My name is Kalsang Gumstoe. I am the younger brother of Paltsal Kyab, who was also known as Jakpalo.
2. I lived in Amchok Tsyamid, in the region of Aba, in Tibet with my family. After I left my family, I had stayed in India and Nepal for several years. Since 1997 I have lived as a resident of the United States in Brooklyn, New York.
3. Since my arrival in the United States, I have remained in close contact with my brother, Paltsal Kyab, up through and until his arrest in April of 2008 by police officers in May of 2008.
4. I have also remained in close contact with other members of my family who reside now in the county of Aba and the village of Charo in the country of Tibet. These include DUNDUL, the brother-in-law of Paltsal Kyab.
5. Based on several phone conversations with Dundul during the months of May, June and July of 2008, I swear and affirm that Dundul told me about the murder of my brother, Paltsal Kyab, in words similar to those below.
 - a. My name is Dundul.
 - b. I am the brother of Paltsal Kyab's wife Norko.
 - c. I live in the village of Charo, in the Aba Tibetan Autonomous Prefecture, located in Sichuan Province, China, with my wife and children.
 - d. I was born in the village of Charo.

e. I am a nomad shepherd.

f. I am especially familiar with the condition of Paltsal's body because I prepared the body for its final release according to Tibetan religious custom. I personally touched the body and witnessed the severe damage and disfiguration done to Paltsal's organs. Specifically, the right kidney had burst, and the gall bladder had burst and was smeared on to the liver, which was filled with bile. In addition, his intestines were empty filled only with air. I also witnessed the clumps of blood and wounds on his external body.

Enclosed is a diagram of what I saw.

About the Detention, Torture, and Extrajudicial Killing of My Nephew Paltsal

g. I also participated in a family discussion with my brother-in-law Paltsal and other family members to help Paltsal decide how to respond to the government's order that all persons present at the March 16th or March 17th Tibetan protests in Charo turn themselves in to the police.

h. At that meeting, we suggested that Paltsal voluntarily go to the police station and explain that he did not attend the March 16th protest, and that his only reason for attending the March 17th protest was to convince the protestors to protest peacefully in accordance with the nonviolent teachings of the Dalai Lama. It was clear from not only what Paltsal told us, but also from the information given to our family by many who attended the March 17th protest that Paltsal had advised the protestors not to engage in violence, and, as a result, violence was minimized on March 17. We knew the villagers and Paltsal were speaking truthfully because so any villagers who were

present at the March 17th protest told our family that Paltsal was the key person who managed to persuade the people to be peaceful.

i. We also advised Paltsal to surrender because the alternative, which was to live in hiding for the rest of his life, would deprive him of the ability to take care of his family—his wife and five children—and to continue to contribute to the village as one of its respected leaders and as a follower of the Dalai Lama.

j. We discussed Paltsal's situation for several hours. We were all aware that the police might decide to detain Paltsal for a short time. But we believed that the fact that Paltsal had helped protect the peace and stability of China would be clear to the authorities and that they would appreciate his good nature, devotion to the non-violent teachings of the Dalai Lama. No one at the meeting contemplated that the authorities would torture a man who behaved as nobly as Paltsal had.

k. Paltsal agreed with our analysis of the situation. He also voiced his worry over the fate of his family because the police had taken his young son to the police station where they interrogated and tortured him to get information about Paltsal's whereabouts. To Paltsal, this meant that the police might continue to interrogate and torture members of his family to try to force him to surrender "voluntarily."

l. The police at the police station detained Paltsal for the next two weeks, so our family members went to the station almost every day to bring

food and clothes for Paltsal. During this time, we were permitted to meet with Paltsal.

m. On April 27, we learned from the police at the police station that they had transferred Paltsal to the detention center in Aba. From that point on, we were not permitted to have any further contact with Paltsal, in spite of our attempts to meet with him at the detention center.

n. About four weeks later, on May 26, at about 7:00 a.m., two local Charo government workers visited Paltsal's home and informed family members who were present at the time of Paltsal's death. According to one member of the family, the Charo officials learned of Paltsal's death directly from the detention center in Aba. They also told the family that only two people could go to the detention center to retrieve Paltsal's body. However, the family persuaded the authorities to allow seven family members to go to the detention center to retrieve Paltsal's body.

o. The detention center personnel tried to convince the family that the police had not tortured Paltsal and that his death was caused by an ongoing kidney and liver dysfunction. However, the fact that Paltsal had been in excellent health prior to his detention by the police, and the injuries and wounds to his body tell a different story.

p. Furthermore, the authorities had promised to have the hospital doctors corroborate their explanation of Paltsal's death, but this never happened.

q. Paltsal's body was covered with wounds as indicated in the enclosed image.

r. When I saw Paltsal's body, I told the police officers that there were marks all over his body indicate that he died because of brutal torture, not because of illness.

s. We asked the police officers to give us permission to take Paltsal's body to Kirti Monastery in Aba to pray for Paltsal's soul. The police officers granted permission. However, a few hours later, the permission was denied by the Chinese army. So, we went back to Charo with the body—about 70 kilometers away—in a police car with two Aba police officers. The two officers had stayed with them until the end of Paltsal's funeral at a burial site near Kirti Monastery. We came back to the burial site in Aba for a final funeral on May 30, 2008.

t. In addition, during the preparation of the body for the Tibetan traditional sky burial (final offering of the body to the birds after dismemberment), it was clear, as several witnesses attest, that Paltsal had been brutally tortured to death.

u. In addition to my entire family of seven who saw the evidence of torture on Paltsal's body, Wangchuk (the head of the detention center) and Dawa also viewed the wounds on the surface of Paltsal's body as well as the rupture of internal organs, etc.

v. My family members decided to visit the detention center after the funeral to explain to the authorities that the remains of Paltsal indicated that

he had been tortured to death and to ask them not to treat other detained Tibetans in the same way. My family spoke to the authorities in Tibetan and does not know whether what they said was properly translated to the Chinese detention center chiefs.

w. My family and I were forced to sign statements in Chinese in order for Paltsal's body to be released to us by the authorities. We did not understand what the statements in Chinese meant, and no one was willing to translate the statements for us. We had no choice but to follow our religious protocol and retrieve the body. So we signed the statements.

I, Kalsang Gumstoe swear and affirm that the foregoing is based on what was told to me by Dundul.

Executed on Oct 15, 2008 in New York.

Kalsang Gumstoe

Kalsang Gumstoe

ROBIN FUNK
NO: 01FV6184229
COUNTY MANDATIAN
EXPIRES: 3-31-2012

Robin Funk

- a. I live in the village of Charo, in the Aba Tibetan Autonomous Prefecture, located in Sichuan Province, China.
- b. I was born in the village of Amchok Tsanyid.
- c. I am a nomad shepherd by occupation, and care for yaks, sheep, and horses.
- d. I am the brother of Ms. Tacho Dolma, and the uncle of her now deceased son, Paltsal.
- e. Paltsal was also a nomad shepherd by occupation and like most villagers he also tended yaks, sheep, and horses.
- f. The nomad shepherd occupation requires good health, strength, and stamina.
- g. Paltsal tended many yaks and sheep, and was in excellent physical condition prior to his arrest (see paragraphs q and r below for details).

About the Detention, Torture, and Extrajudicial Killing of My Nephew Paltsal

- h. I participated in a family discussion with my nephew Paltsal and other members of our family to help Paltsal decide how to respond to the government's order that all persons present at the March 16th or March 17th Tibetan protests in Charo turn themselves in to the police.
- i. At that meeting, we suggested that Paltsal voluntarily go to the police station and explain that he did not attend the March 16th protest, and that his only reason for attending the March 17th protest was to convince the protestors to protest peacefully in accordance with the nonviolent teachings of the Dalai Lama. It was clear from not only what Paltsal told us, but also

from the information given to our family by many who attended the March 17th protest that Paltsal had advised the protestors not to engage in violence, and, as a result, violence was minimized on March 17. We knew the villagers and Paltsal were speaking truthfully because so any villagers who were present at the March 17th protest told our family that Paltsal was the key person who managed to persuade the people to be peaceful.

j. We also advised Paltsal to surrender because the alternative, which was to live in hiding for the rest of his life, would deprive him of the ability to take care of his family—his wife and five children—and to continue to contribute to the village as one of its respected leaders and as a followers of the Dalai Lama.

k. We discussed Paltsal's situation for several hours. We were all aware that the police might decide to detain Paltsal for a short time. But we believed that the fact that Paltsal had helped protect the peace and stability of China would be clear to the authorities and that they would appreciate his good nature, devotion to the non-violent teachings of the Dalai Lama. No one at the meeting contemplated that the authorities would torture a man who behaved as nobly as Paltsal had.

l. Paltsal agreed with our analysis of the situation. He also voiced his worry over the fate of his family because the police had taken his young son to the police station where they interrogated and tortured him to get information about Paltsal's whereabouts. To Paltsal, this meant that the police might continue to interrogate and torture members of his family to try to force him to surrender "voluntarily."

m. The police at the police station detained Paltsal for the next two weeks, so our family members went to the station almost every day to bring food and clothes for Paltsal. During this time, we were permitted to meet with Paltsal.

n. On April 27, we learned from the police at the police station that they had transferred Paltsal to the detention center in Aba. From that point on, we were not permitted to have any further contact with Paltsal, in spite of our attempts to meet with him at the detention center.

o. About four weeks later, on May 26, at about 7:00 a.m., two local Charo government workers visited Paltsal's home and informed family members who were present at the time of Paltsal's death. According to one member of the family, the Charo officials learned of Paltsal's death directly from the detention center in Aba. They also told the family that only two people could go to the detention center to retrieve Paltsal's body. However, the family persuaded the authorities to allow seven family members to go to the detention center to retrieve Paltsal's body.

p. The detention center personnel tried to convince the family that the police had not tortured Paltsal and that his death was caused by an ongoing kidney and liver dysfunction. However, the fact that Paltsal had been in excellent health prior to his detention by the police, and the injuries and wounds to his body tell a different story.

q. Furthermore, the authorities had promised to have the hospital doctors corroborate their explanation of Paltsal's death, but this never happened.

r. Paltsal's body was covered with wounds as indicated in the enclosed image.

s. Some family members asked for and argued with the police officers for a post-mortem examination in front of the officers. However, I opposed this because Paltsal had already suffered enough from torture and I thought what he needed was prayers by monks to be in peace as soon as possible.

t. We asked the police officers to give us permission to take Paltsal's body to Kirti Monastery in Aba to pray for Paltsal's soul. The police officers granted permission. However, a few hours later, the permission was denied by the Chinese army. So, we went back to Charo with the body—about 70 kilometers away—in a police car with two Aba police officers. The two officers had stayed with them until the end of Paltsal's funeral at a burial site near Kirti Monastery. We came back to the burial site in Aba for a final funeral on May 30, 2008.

u. In addition, during the preparation of the body for the Tibetan traditional sky burial (final offering of the body to the birds after dismemberment), it was clear, as several witnesses attest, that Paltsal had been brutally tortured to death.

v. In addition to my entire family of seven who saw the evidence of torture on Paltsal's body, Wangchuk (the head of the detention center) and Dawa also viewed the wounds on the surface of Paltsal's body as well as the rupture of internal organs, etc.

w. My family members decided to visit the detention center after the funeral to explain to the authorities that the remains of Paltsal indicated that he had been tortured to death and to ask them not to treat other detained Tibetans in the same way. My family spoke to the authorities in Tibetan and does not know whether what they said was properly translated to the Chinese detention center chiefs.

x. My family and I were forced to sign statements in Chinese in order for Paltsal's body to be released to us by the authorities. We did not understand what the statements in Chinese meant, and no one was willing to translate the statements for us. We had no choice but to follow our religious protocol and retrieve the body. So we signed the statements.

I, Kalsang Gumstoe swear and affirm that the foregoing information was reported to me by Yegnyun.

Executed on Oct 15, 2008 in New York

Ach Tenzin
Kalsang Gumstoe

ROBIN PUNK
NO: 01PU6184229
COUNTY MANHATTAN
EXPIRES: 3-31-2012

Rt