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Response to government of PRC document (GJ/062/2009) with regard to the extrajudicial killing of Phuntsok Rabgay on 25 March 2009

1 message

Tenzin Norgay <tenzinnorgay@tchrd.org>

Sat, Sep 4, 2010 at 11:17 AM

To: eje@ohchr.org, sr-torture@ohchr.org

Special Rapporteur on extrajudicial, summary or arbitrary executions
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
c/o Office of the High Commissioner for Human Rights United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland

4 September 2009, Dharamsala, India

Dear Special Rapporteurs,

Greetings from the Tibetan Centre for Human Rights and Democracy (TCHRD). The TCHRD wishes to submit the following points in regard to the government of People's Republic of China's document (No. GJ/062/2009 dated 26 October 2009) to the Office of the High Commissioner for Human Rights (OHCHR Registry dated 27 Oct 2009). The Centre wishes to submit the following points to the Special Rapporteurs attention in light of the information and picture evidence gathered. The pictures clearly depict that the police have beaten to death Venerable Phuntsok Rabten and is not a case of suicide as is being projected by the government's response.

For your easy reference we have forwarded our complaint email dated 2 April 2009 and also enclosed the translation of the government's response in Chinese language.

1) The govt's reply starts with the discovery of Phuntsok's body after being informed by the monastery. By doing so they claim complete ignorance of Phuntsok's political activity in pasting political pamphlets on 25 March 2009 which was one day previous to Phuntsok's death on 26 March 2010 as reported by the govt. He had pasted these pamphlets on the wall of branch office of Drango County PSB office, Shara Thang-do Bridge and trees at the sides of roads and highways in the County.

2) Phuntsok's leaflets (seven pages) were political in nature as it called on the local Tibetans in Drango County to forego crop cultivation and harvest as a solemn gesture of mourning for monks who were tortured, detained and imprisoned by the Chinese authorities. As a form of civil disobedience and non-cooperation movement, the message of his leaflets read:

"Let it be, if we die of hunger and starvation, but for those of our brothers and sisters who were tortured,

injured, detained and killed in the last year's peaceful demonstration [March 2008], we must forego planting crops in fields as a gesture of respect, mourning and to express our solidarity with them. Those who had already planted crops in the fields must not tend and reap the harvest. This is a request for all of you. If anyone who still goes on to plant crops in fields and harvest them, I will come with a black scarf to greet them."

3) The govt claims ignorance of the immediate circumstances leading to his death. According to sources, "while pasting leaflets on the walls of an automobile service centre in Drango County, Phuntsok was detected by Drango PSB personnel who came straight to arrest him. Sensing that PSB personnel were coming to arrest him, he fled on a motorbike behind Baatak Nunnery, situated at a base of a hill. Immediately Drango PSB forces pursued him for a while till at a waist of a hill, where his motorbike couldn't climb any further. He was arrested and severely beaten on the spot with batons. He died shortly after receiving inhuman beatings from the Chinese PSB personnel. The govt's reply claim that he died "due to carelessness by falling from 20 metres" thereby implicitly claiming that there was never a motorbike chase and of course no beatings when they caught him midway through the hill.

4) In an attempt to conceal the circumstance of his death, the PSB personnel dropped his corpse to a base of hill to conjure up a suicide scene. A day later local Tibetans learnt about his death and body lying at the bottom of a hill. The local Tibetans then cremated the body after three days. Right to the end, the Chinese authorities adamantly maintained that Phuntsok died after committing suicide while the local Tibetans were not convinced. The picture depicting external injuries on his head and leg clearly testifies that the injuries were due to beating and not by fall.

5) Tibetans in Kardze have already engaged in a civil disobedience movement by not tilling their fields in protest of the killings by the government law enforcement agencies in spring 2008. This civil disobedience movement was a huge embarrassment to the govt and they ordered the Tibetans to till the land which went unheeded. In light of such a circumstance, Phuntsok's pamphlets won't be tolerated by the government and its agencies.

The TCHRD once again thanks Special Rapporteurs for the opportunity in submitting this response.

Sincerely,

Tenzin Norgay (Mr.)

Research and UN Affairs

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Translation of the reply of government of People's Republic of China (Doc no GJ/062/2009 dated 27 October 2009 in the OHCHR Registry):

Phuntsok Rabten, Male, 26 years old, of Drango County, Kardze Tibetan Autonomous Prefecture, Sichuan Province, belongs to Hriling Monastery [the name of the monastery is not very clear]. On 26 March this year [2009] at 1.20 pm, the Democratic Management Committee of the Monastery informed the police that one of the monastery's monk had died at a remote place behind Wada Village. Drango County Public Security

Bureau accompanied by three monks of the monastery went to the scene and identified the dead as Phuntsok and accordingly the police informed the family about the death. Moreover, they went to the scene with the family members. The police forensic expert upon proper analysis concluded that Phuntsok had fallen from 20 metres out of carelessness and died due to brain hitting the ground. There were no marks of external injuries due to weapons and hence no suspicion of somebody murdering him. Both the monastery and the family members have no doubt about the conclusion reached by the police. Thereafter, his family in accordance with Tibetan burial customs performed a sky burial at the Serthar Monastery [Serthar Buddhist Institute] sky burial site in Kardze.

People's Republic of China is a land with rule of law. The police conducted their duties according to the law and concluded that he was not beaten to death. Therefore, the allegation of the death due to beating is without ground. The PRC hopes that this written reply will be documented in the United Nations documentations.

----- Forwarded message -----

From: **Tenzin Norgay** <tenzinnorgay@tchrd.org>

Date: Thu, Apr 2, 2009 at 11:38 AM

Subject: Urgent action regarding the death of 27-year-old Tibetan monk, Phuntsok Rabgay, on 25 March 2009

To: urgent-action@ohchr.org

The Tibetan Centre for Human Rights and Democracy (TCHRD) seeks the urgent intervention of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment regarding the death of a 27-year-old monk, Phuntsok Rabgay, on 25 March 2009 at the Drango County in Kardze Tibetan Autonomous Prefecture, Sichuan Province, China.

According to confirmed information received by the TCHRD, on 25 March 2009 when Phuntsok was pasting leaflets of his appeal asking the local residents to forego crop cultivation and harvest as a solemn gesture of mourning for monks who were tortured, detained and imprisoned by the Chinese authorities and as a form of civil disobedience and non-cooperation to the authorities of the People's Republic of China (PRC), he was detected by the Drango County Public Security Bureau (PSB) personnel who came straight to arrest him. Sensing that PSB officers were coming to arrest him, he fled on a motorbike. However, the PSB officers caught upon him and severely beat him on the spot with batons and he died shortly after. In order to hide the circumstances of his death, the PSB officers dropped his dead body from the hill to forge it as a case of suicide. Sources told TCHRD that there were bruises and cuts on his body which clearly indicated that he was beaten to death by the forces.

The TCHRD seeks the urgent intervention of the aforementioned mandate holders regarding the death of Phuntsok due to severe beatings on 25 March 2009.

Best wishes,

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Tenzin Norgay

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NOTE: Picture of deceased available at <http://tchrd.org/press/2009/pr20090330.html>

TCHRD Press Release:

A Tibetan monk beaten to death by Chinese Security Police

The Tibetan Centre for Human Rights and Democracy (TCHRD) learnt that a Tibetan monk was beaten to death in Drango County, Kardze "Tibetan Autonomous Prefecture" ("TAP"), Sichuan Province.

According to a reliable information received by the TCHRD, a monk Phuntsok, age, 27 of Drango Monastery, hailed from Zongpa Village, Drango County, Kardze "TAP" was beaten to death by the Chinese Public Security Bureau (PSB) personnel in a ghastly manner.

The source told TCHRD that, on 25 March 2009, Phuntsok pasted leaflets (seven pages) on the walls of a branch office of Drango PSB headquarter, on Shara Thang-do Bridge and on eucalyptus trees of roads and highways in Drango County.

Phuntsok's leaflets campaign was connected with the last years' unprecedented unrest in Tibet, particularly in Drango County when hundreds of Drango monks who took part in a peaceful demonstration against the Chinese government on 25 March 2008. The protest was subsequently quelled down with force, resulted in arrests, torture and detention of hundreds of monks by the Chinese authorities. Phuntsok's defiant protest was not a coincidence but deliberately timed to remember, mourn, express solidarity with those Drango monks tortured, ill-treated and imprisoned during the peaceful demonstration.

Similarly, the Chinese authorities too paid significance to the yearly anniversary of the demonstration in Drango Monastery and had in recent past mobilized and reinforced the streets with paramilitary troops and security forces to deal with any sign of protest and dissidence should they take place.

In commemorating the arrests, torture and detentions of Drango monks, Phuntsok called on the local Tibetans in Drango County to forego crop cultivation and harvest as a solemn gesture of mourning for monks who were tortured, detained and imprisoned by the Chinese authorities. As a form of civil disobedience and non-cooperation movement, the message of his leaflets read:

"Let it be, if we die of hunger and starvation, but for those of our brothers and sisters who were tortured, injured, detained and killed in the last year's peaceful demonstration, we must forego planting crops in fields as a gesture of respect, mourning and to express our solidarity with them. Those who had already planted crops in the fields must not tend and reap the harvest. This is a request for all of you. If anyone who still goes on to plant crops in fields and harvest them, I will come with a black scarf to greet them."

However while pasting leaflets on the walls of an automobile service centre in Drango County, he was detected by Drango PSB personnel who came straight to arrest him. Sensing that PSB personnel were coming to arrest him, he fled on a motorbike behind Baatak Nunnery, situated at a base of a hill. Immediately Drango PSB forces pursued him for a while till at a waist of a hill, where his motorbike couldn't climb any further. He was arrested and severely beaten on the spot with batons. He died shortly after receiving inhuman beatings from the Chinese PSB personnel.

In an attempt to conceal the circumstance of his death, the PSB personnel dropped his corpse to a base of hill to conjure up a suicide scene. A day later local Tibetans learnt about his death and body lying at the bottom of a hill. The local Tibetans then cremated the body after three days. Right to the end, the Chinese authorities adamantly maintained that Phuntsok died after committing suicide while the local Tibetans were not convinced.

Sources told TCHRD that there were bruises and cuts on his body which clearly indicated that he was beaten to death by the Chinese security police on 25 March 2009.

Meanwhile on 27 March 2009, the People's Armed Police (PAP) arrested 11 Tibetans from Da-do Village for defying the Chinese authorities order to till their farm lands.

In what has been seen as desperate move by the Chinese authorities to reign in the protesting farmers, on 26 and 27 March 2009, a contingent of Chinese security forces came to Drango Township, carrying sacks full of fertilizers to extort the locals to plant and till their farmlands.

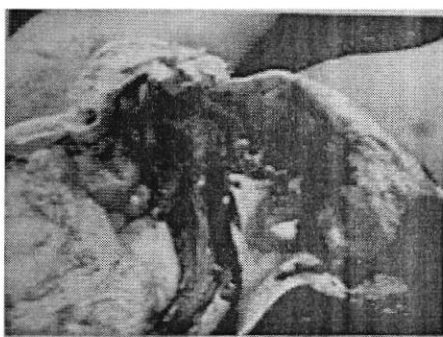
The 11 arrested Tibetans were surrounded by PAP forces and were taken on a parade in the village. They were last seen in a hospital, surrounded by the PAP forces. At the moment, there is no information about their current whereabouts.

*****END TEXT*****

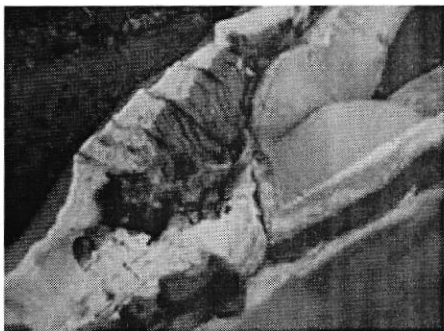
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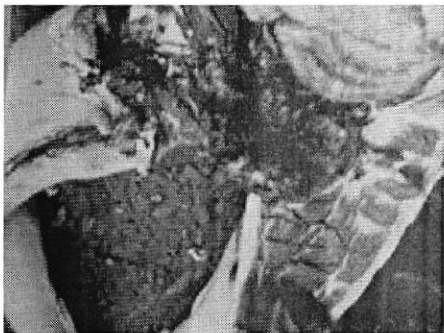
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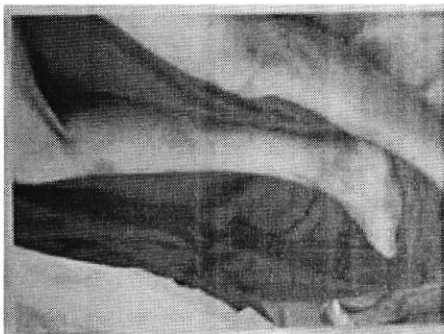
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