

Urgent Action Regarding Dolma Kyab

Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions
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1. Family name: **Kyab (Ch: Gya)**
2. First name: **Dolma (Ch: Drolma)**
3. Sex: ☒ male ☐ female
4. Birth date or age: **32 years old**
5. Nationality(ies): **Chinese (Tibetan)**
6. Civil status (single, married, etc.): **Widower**
7. Identity document:.....

Nr.:.....

Issued by:.....

Date of issue:.....

8. Profession and/or activity (e.g. trade union, political, religious, humanitarian/solidarity/human rights, etc.)

Herdsmen

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.....

9. Address of usual residence: **Dzoege (Ch: Ru'ergai) County in Ngaba (Ch: Aba) Tibetan-Qiang Autonomous Prefecture**

10. Is there a link to other cases/ persons? Please specify:

No

II. Information regarding the incident:

1. Date: **15 August 2013**

2. Place: **Intermediate People's Court in Ngaba Tibetan-Qiang Autonomous Prefecture, Sichuan Province**

3. Time:.....

4. The nature of the incident: Please describe the circumstances of the incident, including the following categories:

(a) death penalty, or fair trial guarantees, please detail (unfair laws or proceedings, charges, eventual appeals, execution is imminent, etc.)

(b) imminent violation of the right to life is feared (death threats, imminent expulsion or refoulement leading to a life-threatening situation, etc.), please detail.

(c) others (death in custody, death during an armed conflict, death due to excessive use of force by law enforcement officials, death due to attacks

by security forces of State, paramilitary or private forces, breach of obligation to investigate, etc.):

After a 3-hour trial the Intermediate People's Court in Ngaba Tibetan-Qiang Autonomous Prefecture sentenced Dolma Kyab to death for murdering his wife, Kunchok Wangmo.

According to eyewitnesses of the event, Kunchong Wangmo set herself on fire protesting Chinese rule over Tibet just before midnight on 13 March 2013 on the main street of Dzoegé (Ch: Ruogai) county town. The next morning, Chinese officials cremated her body and returned the ashes to Dolma Kyab. Only after Dolma Kyab refused to say his wife's death was because of domestic conflict and Kunchok Wangmo's parents turned down a US\$163,000 did the authorities arrest Dolma Kyab for murdering his wife. Attempts to pay family members of self-immolators to deny a political motivation for the protest and arresting them if they refuse has become a common response of the Chinese government to self-immolation protests.

Despite State media describing the alleged murder as it appear in the court's judgment days after Dolma Kyab's arrest, he was secretly detained for five months before his trial. At his trial, Dolma Kyab confessed to killing his wife as described by state media.

Dolma Kyab's recitation of the state media description of his wife's death does not account for eyewitnesses to the self-immolation or police pressure to find a non-political explanation of the protest. Kunchok Wangmo's parents do not believe Dolma killed their daughter. The timing and details of Dolma Kyab's confession raise serious questions concerning torture and political influence over his trial and his upcoming appeal.

Article 211 of China's amended Criminal Procedure Law requires that executions be carried out within seven days of their becoming legally effective.

III. Forces believed to be responsible for the incident:

(a) if the perpetrators are believed to be State agents, please specify (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible:

Dolma Kyab was arrested by members of the Sichuan People's Armed Police when he refused to say that his wife's self-immolation was because of a domestic dispute and not protesting China's rule over Tibet.

Dolma Kyab was sentenced to death for the alleged murder of his wife by the Intermediate People's Court in Ngaba Tibetan-Qiang Autonomous Prefecture.

Because of the scope of the perpetrators, specific identifying information is unknown.

(b) if an identification as State agents is not possible, why do you believe that Government authorities, or persons linked to them, are responsible for the incident?

The Sichuan Province People's Armed Police arrested Dolma Kyab and the Intermediate People's Court in Ngaba Tibetan-Qiang Autonomous Prefecture sentenced him to death.

(c) if there are witnesses to the incident, indicate their names. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify:

Dolma Kyab's conviction was widely reported in the media. His wife's self-immolation was witnessed by an elderly lady working at a local medical center. Multiple sources within Tibet described the police pressuring Dolma Kyab and his parents-in-law and Dolma Kyab's arrest.

IV. Steps taken by the victim or his/her family:

(a) Indicate if complaints have been filed, **when**, by **whom**, and before **which organ**.

Dolma Kyab, through his attorney Su Haijun, is appealing his conviction to the Sichuan Provincial Higher People's Court. If his appeal is denied, he will be executed within a week.

(b) Other steps taken:

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V. Steps taken by the authorities:

(a) Indicate whether or not there have been investigations by the State authorities; if so, what kind of investigations? Progress and status of these investigations; which other measures have been taken (e.g. autopsy)?

The Sichuan Province People's Armed Police attempted to pay \$163,000 to Konchok Wangmo's parents and pressured Dolma Kyab to say Konchok Wangmo's self-immolation was because of a domestic dispute. When they refused, Dolma Kyab was arrested.

The only evidence listed in accounts of Dolma Kyab's trial was his confession.

There is no evidence that an autopsy was performed on Dolma Kyab's wife. Her remains were returned to him before he was

arrested.

(b) in case of complaints by the victim or its family, how have the organs dealt with them? What is the outcome of those proceedings?

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VI. Identity of the person submitting the case

1. Family name: **Tsering**

2. First name(s): **Tsomo**

3. Status: individual, group, non-governmental organization, inter-governmental agency, Government. Please specify:

Tibetan Center for Human Rights and Democracy

4. Address (telephone, fax, e-mail):

**Top Floor, Narthang Building
Gangchen Kyishong
Dharamsala - 176215
Himachal Pradesh, India**

Tel: (91)1892 - 223363, 229225

Fax: (91)1892 - 225874

E-mail: director@tchrd.org

5. Please state whether you want your identity to be kept confidential:

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Date: *20 August 2013*

Signature of author:

Tseringphomo

