



བོད་གྱི་འགྲོ་བ་མིའི་ཐོབ་ཐང་དང་མང་གཙོ་འཕེལ་རྒྱས་ལྗེ་གནས་ཁང་།

Tibetan Centre for Human Rights and Democracy

To,

Date: 24 August 2009

The Chairperson
Committee on the Elimination of Racial Discrimination
United Nations
Geneva, Switzerland

Dear Sir,

Greetings. The Tibetan Centre for Human Rights and Democracy (TCHRD) wishes to bring to the notice of the UN experts several issues of concern regarding the state report of the People's Republic of China to the Committee on the Elimination of Racial Discrimination. We would be highly grateful if the experts can consider the enclosed document regarding our concerns.

Taking this opportunity we wish to appeal to the Committee members to address the Tibetan voices and bring practical betterment in the lives of the Tibetan people through its concluding observations for the 75th session.

Thank you very much,

Sincerely,

Tenzin Norgay

Personnel for UN Affairs
Tibetan Centre for Human Rights and Democracy

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DISTT KANGRA, DHARAMSALA
H.P. 176215 INDIA

PHONE/FAX: +91 1892 223363 / 225874
EMAIL: office@tchrd.org
WEBSITE: www.tchrd.org

PATRON
HIS HOLINESS THE DALAI LAMA

INTERNATIONAL ADVISORY BOARD
BISHOP DESMOND TUTU
JOSE RAMOS HORTA
GEORGE FERNANDES
HARRY WU
MICHAEL C.VAN WALT VAN PRAAG
SULAK SIVARAKSA

"Registered under the Societies Act
21 of 1860 891/96/C/H/RC"



བོད་གྱི་འགྲོ་བ་མིའི་ཐོབ་ཐང་དང་མང་གཙོ་འཕེལ་རྒྱས་ལྗོངས་ལྷན་ཁང་།

Tibetan Centre for Human Rights and Democracy

Issues of concern in the state report of People's Republic of China to the 75th session of the Committee on the Elimination of Racial Discrimination

- 1) The government of People's Republic of China (PRC) in its state report to the Committee Against Torture (CAT) during its 41st session held in November 2008 stated that "...the public security organs in Lhasa ... arrested more than 900 suspects.". The PRC in its report to the Committee on the Elimination of Racial Discrimination (CERD) in August 2009 states that "In the wake of the March 14 riots in Lhasa and elsewhere the public security authorities in Tibet Autonomous Region arrested 953 suspects..." According to our records, there were atleast 1865 known Tibetan arrestees between March – December 2008. This documentation is published in our Annual Report 2009 (available at http://www.tchrd.org/publications/annual_reports/2008/ar_2008.pdf) and is enclosed with this submission for your perusal. The statements to the CAT and the CERD are ambiguous and raises the following two fundamental questions.
 - a) Were 953 Tibetans arrested from Lhasa only or does that include other areas in the "Tibet Autonomous Region"?
 - b) Were 953 Tibetans arrested on the day 14th March 2008 only or were they arrested over other dates also?
- 2) The government of PRC in its report states "Seventy seven accused were sentenced for the crimes of arson, robbery, burglary...assault state organs." According to our records, there are atleast 110 known Tibetans who have been sentenced to various terms. Enclosed is the document titled "list of Tibetans sentenced" . We request the government to release the names and terms of those sentenced as a basis for good will to the international community.
- 3) In the aftermath of the mass scale protests by the Tibetans in spring 2008, the authorities in the so called "Tibet Autonomous Region" ("TAR") particularly the "TAR"

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DISTT KANGRA, DHARAMSALA
H.P. 176215 INDIA

PHONE/FAX: +91 1892 223363 / 225874
EMAIL: office@tchrd.org
WEBSITE: www.tchrd.org

PATRON
HIS HOLINESS THE DALAI LAMA

INTERNATIONAL ADVISORY BOARD
BISHOP DESMOND TUTU
JOSE RAMOS HORTA
GEORGE FERNANDES
HARRY WU

MICHAEL C.VAN WALT VAN
SULAK SIVARAKSA

PRAAG

"Registered under the Societies Act
21 of 1860 891/96/C/H/RC"



བོད་ཀྱི་འགྲོ་བ་མིའི་ཐོབ་ཐང་དང་མང་གཙོ་འཕེལ་རྒྱས་ལྗེ་གནས་ཁང་།

Tibetan Centre for Human Rights and Democracy

Communist Party chief, Zhang Qingli, called for a “swift and quick judicial process to strike back at the “separatists” and the “Dalai clique””. In light of the government as well its top leaders call for hastened judicial probes, due process has been circumvented and sentences were handed down arbitrarily and summarily. In several cases lengthy sentences and upto life imprisonment terms were handed down in about three months duration. As per the state report, 77 Tibetans have been given sentences. However, the state fails to give the details on the figure revealed.

- 4) The government of PRC states “Seven defendents were sentenced for espionage...” We maintain the fact that there are many more Tibetans who have been arrested and sentenced to lengthy prison terms for reporting human rights violations to the outside world. We are concerned that the government fabricated charges of “espionage” on the Tibetans who were essentially human rights defenders and reported human rights abuses to the outside world for help and in order to save lives.
- 5) The data (arrests and sentences) provided by the state does not include Tibetan areas outside the “TAR”. Since the majority of the over 300 protest incidents recorded during the 2008 uprising in Tibet took place in the Tibetan areas outside the “TAR”, there is deep concern about the Tibetans arrested in these regions namely; Qinghai, Gansu, Sichuan and Yunnan. The state party is requested to reveal the figures of arrestees and sentenced in these areas.
- 6) While it is widely known that the Tibetans were sentenced for showing their political dissent, the state has downplayed the whole nature of their activities as petty criminal offenses by projecting the cases as that of “beating, smashing, looting and arson” rather than acts of expression of political dissidence. Article 293 of China's Criminal Law stipulates a “fixed- term imprisonment of not more than five years, criminal detention or public surveillance” for acts “creating disturbances, thus disrupting public disorder”. However, most of the Tibetan arrestees have been sentenced to over ten years prison term and on several occasions to life imprisonment and death sentence. Clearly the harshness of sentences handed down indicate that it is not a case of petty criminal activity only, but involves the larger issue of political dissidence which the state deliberately fails to

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DISTT KANGRA, DHARAMSALA
H.P. 176215 INDIA

PHONE/FAX: +91 1892 223363 / 225874
EMAIL: office@tchrd.org
WEBSITE: www.tchrd.org

PATRON
HIS HOLINESS THE DALAI LAMA

INTERNATIONAL ADVISORY BOARD
BISHOP DESMOND TUTU
JOSE RAMOS HORTA
GEORGE FERNANDES
HARRY WU

MICHAEL C.VAN WALT VAN
SULAK SIVARAKSA

“Registered under the Societies Act
21 of 1860 891/96/C/H/RC”



བོད་གྱི་འགྲོ་བ་མིའི་ཐོབ་ཐང་དང་མང་གཙོ་འཕེལ་རྒྱས་ལྗིད་གནས་ཁང་།

Tibetan Centre for Human Rights and Democracy

mention. We call on the state to acknowledge the political nature of the Tibetans protest and thereby not deny the Tibetan prisoners of the dignity of being political prisoners instead of labelling them as petty criminal prisoners.

HEAD OFFICE
TOP FLOOR, NARTHANG BUILDING
GANGCHEN KYISHONG
DISTT KANGRA, DHARAMSALA
H.P. 176215 INDIA

PRAAG

PHONE/FAX: +91 1892 223363 / 225874
EMAIL: office@tchrd.org
WEBSITE: www.tchrd.org

PATRON
HIS HOLINESS THE DALAI LAMA

"Registered under the Societies Act
21 of 1860 891/96/C/H/RC"

INTERNATIONAL ADVISORY BOARD
BISHOP DESMOND TUTU
JOSE RAMOS HORTA
GEORGE FERNANDES
HARRY WU

MICHAEL C.VAN WALT VAN
SULAK SIVARAKSA